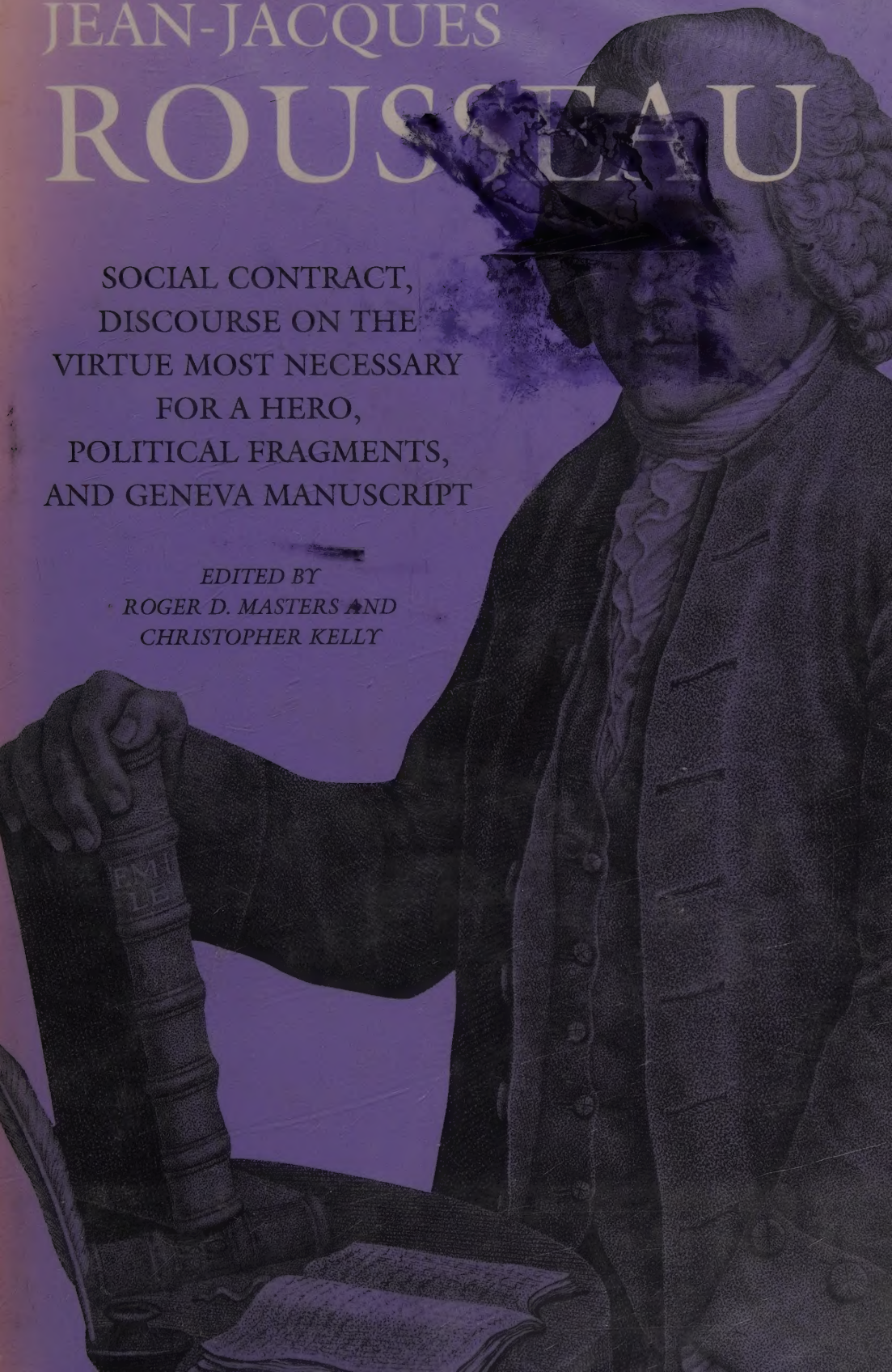
JEAN-JACQUES ROUSSEAU

SOCIAL CONTRACT, DISCOURSE ON THE VIRTUE MOST NECESSARY FOR A HERO, POLITICAL FRAGMENTS, AND GENEVA MANUSCRIPT

EDITED BY
ROGER D. MASTERS AND
CHRISTOPHER KELLY



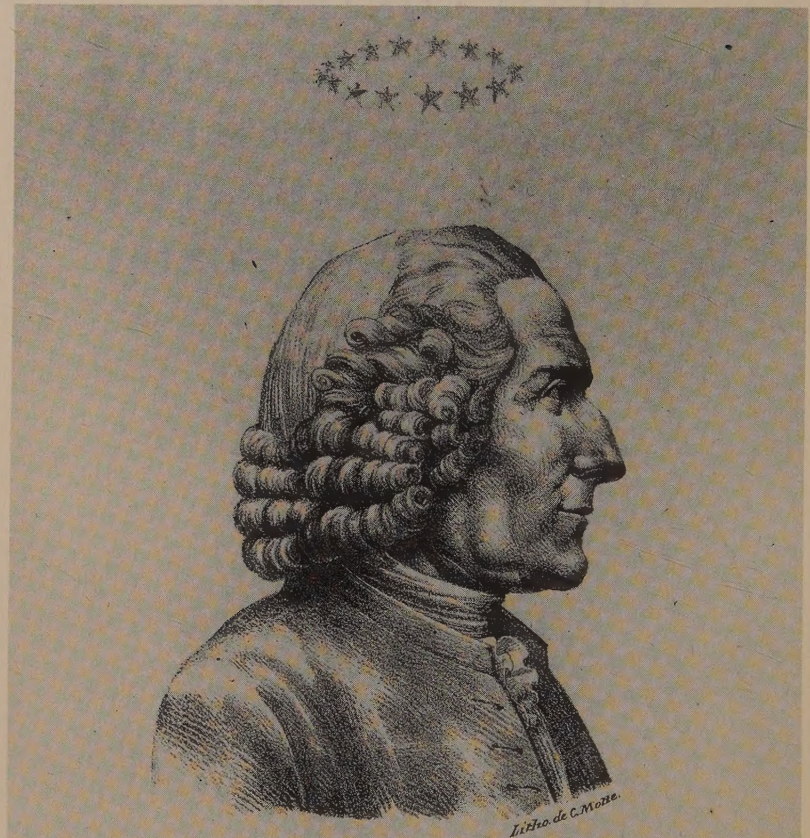
The Collected Writings of
ROUSSEAU

Volume 4

Despite the fame of Jean-Jacques Rousseau (1712–1778) as a philosopher, writer, political theorist, and historical figure, there is no single English-language edition of his writings. "Our goal is to produce a series that can provide a standard reference for scholarship," state the editors; one "accessible to all those wishing to read broadly in the corpus of Rousseau's work." They are carefully revising existing translations of high quality both to reflect the latest scholarship on the French originals and to maintain consistency among the English editions in the series. Where there is no English translation (or none of sufficient quality), new translations are being prepared. Each text is supplemented with extensive editorial notes and keyed to the text of the standard French edition of Rousseau's works, the Pléiade edition of *Oeuvres Complètes*, an innovation of great convenience to scholars who wish to consult a passage in the original.

Volume 4 contains the *Social Contract*, as well as the first English translation of Rousseau's early *Discourse on the Virtue Most Necessary for a Hero*, numerous previously untranslated political fragments, and the first draft of the *Social Contract* (the so-called *Geneva Manuscript*). By placing Rousseau's famous exposition of "political right" and the "general will" in the context of his preparatory drafts, the editors provide significant insight into the formation of one of the most important and influential works in Western political thought.

R00318 43889



J. J. Rousseau.

JEAN-JACQUES ROUSSEAU

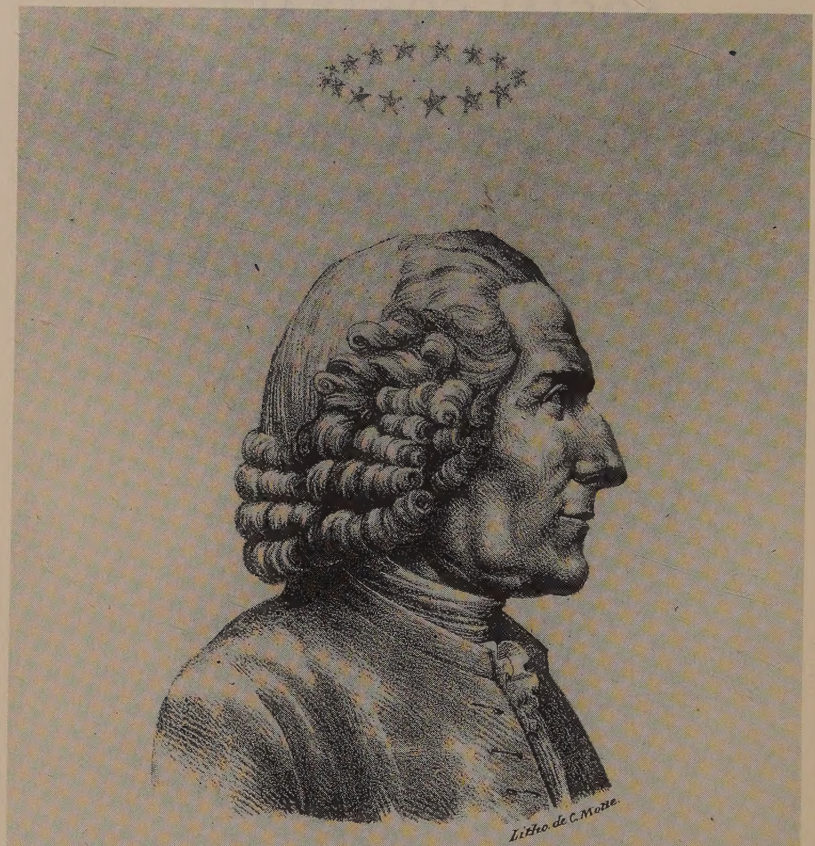
SOCIAL CONTRACT, DISCOURSE ON THE VIRTUE MOST NECESSARY FOR A HERO, POLITICAL FRAGMENTS, AND GENEVA MANUSCRIPT

THE COLLECTED WRITINGS OF ROUSSEAU
Vol. 4

EDITED BY
ROGER D. MASTERS AND CHRISTOPHER KELLY

TRANSLATED BY
JUDITH R. BUSH, ROGER D. MASTERS,
AND CHRISTOPHER KELLY

DARTMOUTH COLLEGE
PUBLISHED BY UNIVERSITY PRESS OF NEW ENGLAND
HANOVER AND LONDON



J. J. Rousseau.

JEAN-JACQUES ROUSSEAU

SOCIAL CONTRACT, DISCOURSE ON THE VIRTUE MOST NECESSARY FOR A HERO, POLITICAL FRAGMENTS, AND GENEVA MANUSCRIPT

THE COLLECTED WRITINGS OF ROUSSEAU
Vol. 4

EDITED BY
ROGER D. MASTERS AND CHRISTOPHER KELLY

TRANSLATED BY
JUDITH R. BUSH, ROGER D. MASTERS,
AND CHRISTOPHER KELLY

DARTMOUTH COLLEGE
PUBLISHED BY UNIVERSITY PRESS OF NEW ENGLAND
HANOVER AND LONDON

DARTMOUTH COLLEGE
Published by University Press of New England, Hanover, NH 03755
© 1994 by the Trustees of Dartmouth College
All rights reserved
Printed in the United States of America 5 4 3 2 1
CIP data appear at the end of the book
This publication has been supported by a grant from the National Endowment for the Humanities, an independent federal agency, and the French Ministry of Culture—Direction du Livre et de la Lecture, Pro Helvetia.
Frontispiece engraving courtesy Musée Jean Jacques Rousseau, Montmorency, France.

848.509 R76w 1990 v.4
Rousseau, Jean-Jacques,
Social contract ; Discourse

Contents

Preface
vii
Chronology of Works in Volume 4
ix
Introduction: Rousseau's *Social Contract*
xi
Note on the Text
xxvii

Discourse on the Virtue Most Necessary for a Hero
1

Fragment on Freedom
12

Comparison of Socrates and Cato
14

Political Fragments
16
I. [Introduction] *16*
II. [On the State of Nature] *17*
III. [On the Social Contract] *21*
IV. [On Laws] *28*
V. [On Honor and Virtue] *35*
VI. [On Public Happiness] *40*
VII. [Luxury, Commerce, and the Arts] *44*
VIII. [Economy and Finance] *51*
IX. [On Population] *52*
X. [The Influence of Climates on Civilization] *53*
XI. [On the Fatherland] *57*
XII. [Parallel Between the Two Republics of Sparta and Rome] *59*
XIII. [History of Lacedaemonia] *64*
XIV. [Fragments of Ancient History] *68*
XV. [On the Nobility] *70*
XVI. [On Morals] *70*

TULSA CITY-COUNTY LIBRARY

Geneva Manuscript (First Version of *Social Contract*)
76
Book I. Preliminary Concepts of the Social Body *76*
Book II. Establishment of the Laws *100*
Book III. On Political Laws, or on the Institution of Government *117*
Civil Religion *117*
Marriage of Protestants *123*
Fragments *124*

Social Contract
127
Contents *129*
Book I. *131*
Book II. *144*
Book III. *166*
Book IV. *198*

Editors' Notes
225
Introduction *225*
Virtue Necessary for a Hero *229*
Fragment on Freedom *231*
Socrates and Cato *231*
Political Fragments *232*
Geneva Manuscript *233*
Social Contract *241*

Index
269

Preface

Although Jean-Jacques Rousseau is a significant figure in the Western tradition, there is no standard edition of his major writings available in English. Moreover, unlike those of other thinkers of comparable stature, many of Rousseau's important works either have never been translated or have become unavailable. The present edition of the *Collected Writings of Rousseau* is intended to meet this need.

Our goal is to produce a series that can provide a standard reference for scholarship that is accessible to all those wishing to read broadly in the corpus of Rousseau's work. To this end, the translations seek to combine care and faithfulness to the original French text with readability in English. Although, as every translator knows, there are often passages where it is impossible to meet this criterion, readers of a thinker and writer of Rousseau's stature deserve texts that have not been deformed by the interpretive bias of the translators or editors.

Wherever possible, existing translations of high quality have been used, although in some cases the editors have felt that minor revisions were necessary to maintain the accuracy and consistency of the English versions. Where there was no English translation (or none of sufficient quality), a new translation has been prepared.

Each text is supplemented by editorial notes that clarify Rousseau's references and citations or passages otherwise not intelligible. Although these notes do not provide as much detail as is found in the critical apparatus of the Pléiade edition of the *Oeuvres complètes*, the English-speaking reader should nevertheless have in hand the basis for a more careful and comprehensive understanding of Rousseau than has hitherto been possible.

For Volume 4, we have focused on Rousseau's *Social Contract*, including the first draft (the so-called *Geneva Manuscript*), political fragments, and the early *Discourse on the Virtue Most Necessary for a Hero*. For generations of students of political thought, Rousseau's concept of the "general will" has marked one of the major perspectives in Western intellectual history. For Robespierre and other leaders of the French Revolution, as for Napoleon, Rousseau established the basic principles for destroying feudal privilege in the name of equality and freedom. More recently,

Rousseau has been condemned as a source of totalitarianism and praised as an apostle of democracy.

Perhaps because of the very power of Rousseau's rhetoric, scholars have often disagreed on his intention and meaning. Whatever one's judgment, it is hard to ignore Rousseau's argument that government can only be legitimate when the sovereign community acts in accord with the collective good. It is therefore particularly valuable to read the *Social Contract* in the light of the fragments and preliminary drafts of this famous work of political thought.

The *Discourse on the Virtue Most Necessary for a Hero* (1751), an early work that Rousseau thought "a bad piece of writing" on a "frivolous question," elaborates a sharp distinction between the moral or intellectual virtues of the private individual and the demands of political life. This perspective establishes the context for Rousseau's political teaching, as is evident in the chapter of the *Geneva Manuscript* entitled "On the General Society of the Human Race," in which Rousseau rejected Diderot's concept that all obligation is derived from a "general will" of the entire species; although that chapter was ultimately deleted from the final version, like the fragments translated here for the first time (such as the comparison of Socrates and Cato), it helps us understand how Rousseau elaborated his "principles of political right" as a response to the highly problematic status of legal obligation and civic duty.

In Volumes 2 and 3 of the *Collected Writings*, we situated the *First* and *Second Discourses* in the context of the polemics they elicited. For Volume 4 of the *Collected Writings*, a different criterion was needed to provide the textual materials for a careful analysis of the *Social Contract*. The drafts and fragments published here were preliminary essays in the genesis of one of the central works in Western political thought. They give us a rare opportunity to observe a major thinker shaping a text that has influenced our tradition for over 200 years.

December 1993

R.D.M.
C.K.

Chronology of Works in Volume 4

1712

June 28: Jean-Jacques Rousseau born in Geneva.

1728

Rousseau leaves Geneva; ultimately settles in Chambéry with Mme. de Warens and pursues his self-education.

1742

Rousseau first arrives in Paris. Meets leading musicians, writers, and scientists.

1743–1744

Rousseau serves for two years as secretary to the French ambassador to Venice, during which he becomes convinced of the primary importance of politics.

1749

October: The Academy of Dijon proposes the topic, "Has the restoration of the sciences and arts tended to purify morals?" for its prize competition. Rousseau reads the announcement in the *Mercury of France* while walking to Vincennes to visit Diderot, who has been imprisoned there.

1751

Publication of the *Discourse on the Sciences and Arts* (*First Discourse*) and first replies to critics.

1754

Rousseau works on *Discourse on the Origins of Inequality* (*Second Discourse*) and article on "Political Economy" for Volume V of the *Encyclopedia*.

1755

Publication of *Second Discourse* and "Political Economy."

1756

Rousseau leaves Paris to live in Madame d'Epinay's "Hermitage" in Montmorency. Work on the writings of the Abbé de Saint Pierre, on the

projected *Political Institutions* (probably including *Geneva Manuscript*), and on the novel, *Julie, ou la Nouvelle Héloïse*.

1758

Publication of *Letter to d'Alembert*.

1760

Completion of *Julie, ou la Nouvelle Héloïse*. Rousseau first discusses *Social Contract* with Rey, his Dutch publisher.

1761

January: Publication and success of *Julie*. August 9: Rousseau writes Rey that the *Social Contract* is completed and plans its publication in Holland. August 29: With the approval of M. de Malesherbes (the French censor), Rousseau signs a contract with Duschesne to publish *Emile* in Paris. November 6: Manuscript of the *Social Contract* delivered to the chaplain of the Dutch Ambassador to Paris for transmission to Amsterdam.

1762

April 13: Shipment of copies of the *Social Contract* from Amsterdam to France. April 30: Rey submits *Social Contract* to M. de Malesherbes. May 13: Malesherbes urges Rey's Parisian agents to have author's name removed from the title page, because "principles contained in this book" will cause Rousseau serious difficulty in France. Night of June 8: Rousseau learns of the certainty of legal action against him, flees France. June 9: Parlement of Paris condemns *Emile* (which includes a summary of the *Social Contract*) and issues mandate for Rousseau's arrest. June 11: Condemnation of both *Emile* and *Social Contract* in Geneva.

1772

Rousseau begins *Rousseau, Judge of Jean-Jacques* (the *Dialogues*).

1778

July 2: Rousseau dies at Ermenonville.

Introduction

Rousseau's *Social Contract*

The meaning and applicability of Jean-Jacques Rousseau's *Social Contract* has been the subject of persistent controversy. It is generally agreed that Rousseau is one of the most important political theorists in Western history. But what did he seek to teach us about politics? An explanation of the confusion surrounding Rousseau's most famous work may be the best introduction to his understanding of politics.

Rousseau's Background

Jean-Jacques Rousseau, though born in Protestant Geneva in 1712, achieved his fame in Catholic France. Largely self-taught, he arrived in Paris in 1742 with little but a new way of writing music, tremendous intelligence, and a desire to make a name for himself. Although he failed to convince the musical establishment that his system of musical notation was valuable, Rousseau became a leading music critic, composing a successful opera (*Le Devin du Village*) and causing a scandal by favoring Italian music over that of the French. Jean-Jacques gained practical experience as the secretary to the French Ambassador to Venice and tutor to the Dupin family, wealthy tax farmers who owned the Chateau of Chenonceaux.

After coming into contact with Denis Diderot and the group of French intellectuals and scholars known as the *philosophes*, Rousseau entered and won the Academy of Dijon's 1749 prize competition on the moral effects of the development of sciences and arts (*Discourse on the Sciences and Arts*, or *First Discourse*, published in 1751). While collaborating on the *Encyclopedia*, his next major work was a radical account of human history intended to explain the origin of evil in a nontheological way (*Discourse on the Origins of Inequality*, or *Second Discourse*, 1755). In 1758, after leaving Paris to live in the country, Rousseau published a best-selling novel, *Julie, ou La Nouvelle Héloïse*.

In all these works, Jean-Jacques seemed to focus on moral or ethical criticism of the corruption of his time and of civilization more broadly. In 1762, the same year he published *Social Contract, or Principles of Political Right*, Rousseau's massive and influential *Emile* appeared, proposing fun-

damental reform in education. In short, Rousseau came on the intellectual scene as an author concerned with music, education, and morality rather than with politics in the precise sense. Why then did Rousseau write on politics—and how is it that the *Social Contract* is so widely viewed as one of the undisputed classics of Western history?

The question is all the more important because Rousseau himself claimed to present a "system" of thought in which politics seems to be secondary. When, late in life, he described the "major works" that formed this system, Rousseau lists the *Discourses* and the *Emile*—but not the *Social Contract*.[1] To resolve the controversies surrounding Rousseau's political teaching, it is helpful to consider the genesis of the *Social Contract*, placing it in the context of his broader perspective on human life and history.

This need is underlined by Rousseau's first explicitly political work, the *Discourse on the Virtue Most Necessary for a Hero*, written in 1751 for a prize sponsored by the Academy of Corsica. This work is revealing, although it was not submitted to the contest because Jean-Jacques thought this early essay was "very bad":[2] political virtue—the "virtue of heroes"—is emphatically different from, and often contrary to, both the moral virtues of private life and the intellectual virtues of the philosopher or scientist. Politics is problematic because the "facts" (circumstances giving rise to human communities) seem to contradict "right" (the rational foundations of obedience and justice). This difficulty, which is also apparent in the first draft of the *Social Contract* (the so-called *Geneva Manuscript*) and the political fragments (most translated for the first time in this volume),[3] points to the need to situate Rousseau's political teaching in terms of what he called "a System that is true but distressing."[4]

Rousseau's "System" and the *Social Contract*

In the *First Discourse* Rousseau challenges the diffusion of science and literature that occurred since the renaissance, arguing that "enlightenment" of the public actually results in its moral corruption. In the *Second Discourse*, Rousseau expands the challenge, arguing that human history has led to the loss of natural innocence, freedom, and goodness. Civilization has resulted in social inequality and political slavery. Modern states based on commerce, particularly the monarchies dominating eighteenth-century Europe, are even more degrading than the ancient pagan republics of Greece and Rome. Rousseau's "system" of thought is thus primarily an attack on what most of his contemporaries, like most people today, have called historical "progress."

Although Rousseau is extraordinarily critical of the modern belief in

progress and prefers the principles of pagan antiquity, he does not simply go back to the principles of ancient political thought. He seeks to trace the origin of evil, describing the natural goodness of isolated but stupid animals who were ultimately corrupted by the effects of language, intelligence, and social life. As a result, the freedom and equality of the "state of nature" become the standard for judging political institutions.

This standard makes it possible for Rousseau to explain why governments emerged—and how obedience to them could be consistent with human nature. It follows that not all governments are equally unjust and degrading. There are "principles of political right"—the logic of a legitimate government—that, if approximated in practice, define civil freedom and equality consistent with our natural origins. Although the process of social and intellectual development has produced moral corruption, virtuous political communities modeled on the republican institutions of Sparta and Rome are possible. The complexity of Rousseau's position arises in part because he tries to reconcile apparently contradictory attitudes toward human nature and history.

In this light, the famous opening of Book I, chapter i, of the *Social Contract* is a model of stylistic force and concision summarizing Rousseau's political teaching. This is even more evident in the French text, which is—in an important respect—impossible to translate. Rousseau says: "*L'homme est né libre, et partout il est dans les fers.*"[5] This could be (and has been) translated into English in two different ways: "Man *is* born free, and everywhere he is in chains" or "Man *was* born free, and everywhere he is in chains."[6] "Man *was* born free," that is, there were no civil societies, no laws, no obligations binding the first men. And "Man *is* born free," that is, every human being is born with a natural freedom to choose whether or not to obey others. Because "Man *was* born free" in the state of nature, the origin of civilized governments must have been a "social contract" that was freely accepted by every individual. And because "Man *is* born free," no existing government is legitimate without the free consent of the governed. [7]

The revolutionary implications of this conception of human liberty are clear in the second phrase of the sentence: although man was and is by nature free, "*everywhere* he *is* in *chains*." No government on earth is legitimate in the sense that it preserves natural freedom. Every existing society can be rejected in the name of human nature and freedom. Little wonder that the French revolutionaries revered the author and placed his body in the Pantheon with other national heroes.[8] As one commentator recently put it, the *Social Contract* "is the work of a revolutionary condemning all existing institutions."[9]

It is, however, very misleading to leave the analysis at that. As another scholar has said:

> Over and over again, from his earliest political writings, [Rousseau] shows himself to be a traditionalist, with all the typical traditionalist's belief in the value of habits and institutions tested by time. . . . In the first chapter of the *Social Contract*, he lays down that "social order is a sacred right, the basis of all others," and puts the meaning of the phrase beyond all doubt by presenting it as a refutation of the justification of revolution which he might have offered if he had considered only "force and the effects of force.[10]

Was Rousseau full of contradictions—as has often been claimed? Because he repeatedly denied this charge, it would be unfair to condemn Rousseau's logic before we have understood his text.

Reconsider the famous sentence we have taken as the summary of Rousseau's conception of human nature and history. "Man was/is born free, and everywhere he is in chains." If we use the present tense—and Rousseau does so elsewhere in the *Social Contract*—the phrase is clearly revolutionary, because all humans now living are naturally free and have no reason to continue to bear the "chains" of the governments existing "everywhere." But if we use the past tense—and Rousseau's *Second Discourse* tries to prove that this reading is essential to an understanding of human nature and society—there has been an irreversible evolution from the natural freedom of the state of nature to the slavery of civilized society.

The first reading is "revolutionary" if not optimistic, the second pessimistic or "traditionalist" with regard to the possibility of historical progress. In this way, Rousseau responds to the battle of the ancients (who denied that a science of politics could definitively "solve" the perennial tensions of civic life) and moderns (who proclaimed the discovery of just such a science). "Man *was* born free, and *everywhere* he *is* in chains": human evolution reflects an irreversible loss of the innocence, freedom, and goodness of the state of nature. The ancients were, therefore, essentially correct in their view of science as limited in its ability to conquer or master natural necessity. By and large, the trend of history is toward corruption and despotism (as the *First* and *Second Discourses* make clear). "Man *is* born free, and everywhere he is *in chains*": all human beings are, by nature, free. Not only are all existing governments "chains," but in principle these chains can be transformed into "legitimate" institutions.

This double reading is perfectly clear if we now look at the entire first paragraph of Book I, chapter i:

> Man was/is born free, and everywhere he is in chains. One who believes himself the master of others is nonetheless a greater slave than they. How did this change occur? I do not know. What can make it legitimate? I believe I can answer this question.[11]

Even tyrants, kings, and the wealthy—who seem to have power over others—are merely "slaves"; because no one in existing civilized society is free, human history reveals a general trend toward despotism. However, the transition from freedom to slavery had been the explicit theme of the *First* and *Second Discourses*, the *Social Contract* focuses on the very different question: "What can make it [this change] legitimate?" Despite his pessimism about the overall direction of historical evolution, Rousseau thinks he has an answer that could, at least in principle, combine "justice and utility."[12] The apparent contradictions or tensions between Rousseau's evolutionary pessimism and his revolutionary republicanism arise because his "system" as a whole emphasizes the loss of freedom resulting from civilization, whereas the *Social Contract* elaborates the principles that can sometimes provide at least provisional respite from historical decline.[13] In particular, a careful reading provides no support for the argument that Rousseau changed or modified his political teaching in a fundamental way between the *Second Discourse* and the *Social Contract*.[14]

Rousseau's "Principles of Political Right"

Given this outline of Rousseau's novel approach to the perennial questions of human nature and history, the ideas that have helped make him famous may be more readily intelligible. To explain in detail his contributions to our understanding of politics, it is appropriate to begin with the term Rousseau chose for his title.[15]

As has already been remarked, the idea of a "social contract" summarizes the view that civil society results from a voluntary agreement between naturally free and equal individuals. For Rousseau, such a "social contract" has a logic that is as universal as the law of gravity:

> The clauses of this contract are so completely determined by the nature of the act that the slightest modification would render them null and void. So that although they may never have been formally pronounced, they are everywhere the same, everywhere tacitly accepted and recognized, until the social compact is violated, at which point each man recovers his original rights and resumes his natural freedom, thereby losing the conventional freedom for which he renounced it. (I, vi, 138)

Like the law of gravity, these "clauses determined by the nature of the act" of forming a civil society operate fully whether or not men have "formally pronounced them"; like Newton, Rousseau hopes to provide a scientific statement of regularities "that are everywhere the same, everywhere tacitly accepted and recognized."

Rousseau's definition of the social contract is thus based on "principles of political right." By "principles" Rousseau means universally valid rules,

discovered by human reason, that explain why naturally free individuals behave as they do. By "political right" he means standards of obligation or duty that make it reasonable for one man to obey another. As we will see, Rousseau distinguishes such "principles of political right" from the study of "conveniences" or the "art of politics." In contemporary terms, the idea of the social contract is concerned with theory as distinct from practice.

For Rousseau, "political right"—that is, a legitimate reason for obeying a government and laws, defined in theoretical terms—does not come from "nature." Although this was clearly a main conclusion of the *Second Discourse*, Rousseau reviews the grounds for denying that natural rights create social obligations in Book I, chapters i through v of the *Social Contract*: parental authority, especially the rights of the father, cannot be used to justify political institutions, because the "natural bond" between parents and their children "dissolves" when the young grow up and become "independent" (I, ii, 132). The "right of the strongest" may truly exist in the state of nature, especially when it has degenerated into a state of war, but such a right cannot produce legitimate obedience; "yielding to force is an act of necessity" or "prudence," rather than a "duty," whereas a "right" in the precise sense must create an "obligation" that is rationally binding "by conscience." Hence might "does not make right" (I, iii, 134). By the same logic, slavery cannot be natural—nor can it be a legitimate convention or agreement, because no one could rationally surrender his freedom to anyone else. "To renounce one's freedom is to renounce one's status as a man, the rights of humanity, and even its duties" (I, iv, 135).

Rousseau's redefinition of the "social compact" thus rests on the radical assertion of individual freedom as a basic "natural right." But his conception of society seems at first sight extremely odd, for the social contract is stated in terms of the community rather than the individual:

> Properly understood, all of these clauses [in the social contract] come down to a single one, namely, the total alienation of each associate, with all his rights, to the whole community. (I, vi, 138)

How could Rousseau, having developed the theory that man is by nature an isolated individual, conclude that the only legitimate society is based on a "total alienation of each associate, with all his rights, to the whole community"? In contrast to the "inalienable" rights claimed in the American Declaration of Independence, doesn't Rousseau's formulation lead to the supremacy of the community over the individual and therewith to totalitarianism?

For Rousseau himself, the answer lies in the concept of the general

will (*volonté générale*). In the published version of the text, the first use of the term occurs in Rousseau's definition of the contractual basis of social obligation:

> If, then, everything that is not of the essence of the social compact is set aside, one will find that it can be reduced to the following terms: *Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.* (I, vi, 139)

But what does this mean? If the "alienation" to the community is "total," how can Rousseau assert that under the general will each individual "obeys only himself and remains as free as before" (I, vi, 138)?

Although a full answer presupposes detailed study of the entire *Social Contract*, two crucial points should be stressed here. First, Rousseau was an exponent of popular sovereignty who hated tyranny perhaps more than any other political theorist. Whatever the true basis of political obligation, Rousseau's purpose should not be lost from sight when analyzing his concept of the general will. Second, Rousseau seeks "principles of political right" that—to use a phrase from his first draft—define "the idea of the civil state" (*Geneva Manuscript*, I, iv, 88). There is somehow a kinship between what Plato called the Ideas or Forms and Rousseau's conception of the "general will." Each of these qualifications deserves emphasis.

The "General Will" and Popular Sovereignty

Although the *Social Contract* is often treated as the first book to speak of the "general will," others had used this term before.[16] In the *Second Discourse*, Rousseau describes the "fundamental compact of all government" as an act of "will" in which "the people" has united "all their wills into a single one"—and calls this a "common opinion" (*Second Discourse*, Part 2; *Collected Writings*, III, 59). One previous discussion of the "general will," Diderot's article on *Natural Right* in the *Encyclopédie*, is explicitly mentioned by Rousseau in both the *Political Economy* and *Geneva Manuscript*.[17] The latter begins with an attack on Diderot's notion of an effective general will of the human species (*Geneva Manuscript*, I, ii, 78–81).

Rousseau was probably wise to delete this chapter from the final version, as it presupposed familiarity with Diderot's article on *Natural Right*. But in revising the *Social Contract* for publication, Rousseau obscured the extent to which his concept of the "general will" was linked to the existence of many "sovereign" political communities, each based on a separate "social contract." Instead of seeking universal ethical principles derived

from a nonexistent "general society of the human species," Rousseau's political thought is an attempt to make "legitimate" and just the kind of civilized society that is observed in reality.

Before reconsidering Rousseau's use of the concept of a "general will," therefore, it is essential to explain what he meant by a "community." This is all the more imperative, because, as noted, Rousseau defines the social contract as follows: "*Each of us puts his person and all his power in common under the supreme direction of the general will, and in a body we receive each member as an indivisible part of the whole*" (*Social Contract*, I, vi, 139). What then is this "whole" or "community" to which "each associate" gives "all his rights"?

The answer is given immediately after Rousseau formulates the social contract:

> Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will. This public person, formed thus by the union of all the others, formerly took the name *City*, and now takes that of *Republic* or *body politic*, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. (I, vi, 139)

For Rousseau, a "community" is not any collection of human beings but, rather, a "Republic" governed by an "assembly" in which "each contracting party" or citizen has a vote. Rousseau thus seems to have in mind the ancient *polis*, or, in modern times, something like New England town meeting as the only basis of legitimate social obligation.

Of the terms used by Rousseau to explain the logic of such a political community, only one can be discussed here: "sovereignty." In the eighteenth century, especially in French, the term "sovereign" generally meant the King or absolute monarch. One of Rousseau's most original and most revolutionary ideas was the definition of sovereignty as an attribute of the entire body politic which could never be "represented" nor delegated to any individual or group. This usage, which amounts to a radical assertion of popular sovereignty, leads to a further terminological innovation, the distinction between the "government" and the "sovereign."

Although many political thinkers blur these two concepts, Rousseau emphatically insisted that the exercise of political power by individual leaders must be subordinate to the freely expressed will of the people as sovereign.

> Those who claim that the act by which a people subjects itself to leaders is not a contract are entirely right. It is absolutely nothing but a commission, an employment in which, as simple officers of the sovereign, they exercise in its name the power that has been entrusted to them by the sovereign, and that the sovereign

can limit, modify, and take back whenever it pleases, since the alienation of such a right is incompatible with the nature of the social body and contrary to the goal of the association. (III, i, 166–167)

In stating what the social contract is, one cannot forget what it is not—namely, a contract to obey individual rulers, or what we, following Rousseau, call the "government."[18]

Rousseau thus uses the "general will" to describe the logic by which a popular assembly could make decisions that bind each individual member. Put more simply, he tries to explain why it is usually said that the principle of "majority rule" is legitimate or fair. Rousseau's answer lies in the concept of transforming private interests into general rules or laws that obligate each individual equally. "Since the condition is equal for everyone, no one has an interest in making it burdensome for the others" (I, vi, 138).

Rousseau's concept of an act of the "general will" thus presupposes an egalitarian community in which each citizen has a vote, and in which the actions of the whole assembly have an equal effect on every individual. Hence Rousseau defines a "law" as an instance "when the entire people enacts something concerning the entire people" so that "the subject of the enactment is general like the will that enacts" (II, vi, 153). In other words, for a decision to be legitimate, it must meet two distinct criteria: first, every citizen must vote on it; second, it must affect every citizen equally. The "general will" can create socially binding duties if and only if it is general both in its source and in its object.

Each reader must decide whether Rousseau succeeded in discovering the logic behind all collective decisions worth obeying. For the purpose of introducing his thought, it is enough to emphasize how Rousseau's "general will" converts the traditional concept of the common good into a requirement of popular sovereignty. When Rousseau flatly asserts that "every legitimate Government is republican" (II, vi, 153), he condemns all forms of absolute government as "slavery" based on little more than brute force and necessity. In this sense, the *Social Contract* remains as revolutionary today as when it could be read as an attack on hereditary monarchy and the ancien régime in France.

Nonetheless, Rousseau himself does not speak of his political principles as requiring an immediate revolution. On the contrary—as has been noted—his thought has a side that can be called "traditionalist." How can this be? What is the status of Rousseau's definition of the "nature of the social body"? Once again, reference to the first draft of the *Social Contract* helps resolve an issue that has puzzled many readers of the final version.

The "General Will" as a Platonic "Idea"

Although Rousseau sought to be realistic, in the *Social Contract* he formulates an abstract or general logic of political obedience. These "principles of political right" are, however, distinguished from their practical application to concrete circumstances (for example, III, xviii). In this regard Rousseau's "general will" can be compared to what Plato calls the "Forms" or "Ideas." Such a Platonic inspiration was especially evident in Rousseau's first draft, which originally had as its subtitle: "Essay about the Form of the Republic."[19]

For Plato, political philosophy had the task of describing the "best regime." Rousseau replies that this question is, in principle, impossible to answer:

> People have always argued a great deal over the best form of Government, without considering that each of them is the best in certain cases, and the worst in others. (III, iii, 172)

> Therefore when the question is asked which is absolutely the best Government, one poses a question that is insoluble because it is indeterminate. Or, if you prefer, it has as many correct answers as there are possible combinations in the absolute and relative situations of peoples. (III, ix, 185)

Because the quest for a best regime, symbolized by Plato's *Republic*, must be abandoned, Rousseau transforms this traditional issue into the question: "What is law?"[20] Having done so, Rousseau proposes the "general will" as what he explicitly calls the "idea of the civil state" (*Geneva Manuscript*, I, iv, 88), thus reminding us that his principles are a modern replacement of the Platonic "Ideas" or "Forms."

This intention, which was clear in the first draft, helps answer one of the most frequently asked questions about the *Social Contract*. How do we know whether a given decision is indeed the result of the general will? Because rulers so often hide their private interests in the garb of the "common good," does Rousseau's concept really tell us anything?

As is often the case with a great book, the question most often asked by critics is already asked by the author himself:

> Only those who are forming the association have the right to regulate the conditions of the society. But how will they regulate these conditions? . . . How will a blind multitude, which often does not know what it wants because it rarely knows what is good for it, execute by itself an undertaking as vast and as difficult as a system of legislation? (II, vi, 154)

How can the general will be "inalienable" (II, i), "indivisible" (II, ii), and "indestructible" (IV, i) if the sovereign people do not know what it is?

Precisely because Rousseau is aware of the problem, his concept has seemed especially frustrating:

> The general will is always right and always tends to the public utility. But it does not follow that the people's deliberations always have the same rectitude. (II, iii, 147)

Rousseau even provides us with a specific concept designating a public decision that fails to satisfy the criterion of the general will; he calls such an act "the will of all":

> There is often a great difference between the will of all and the general will. The latter considers only the common interest; the former considers private interest, and is only a sum of private wills. (II, iii, 147)

How, then, can one tell the difference between the general will (which is legitimate) and the will of all (which is not)?

In the first draft of the *Social Contract*, it had been quite clear that the "general will" was a modern version of a Platonic "Idea" or "Form." Not only did Rousseau use these terms, but he stressed the impossibility of achieving the general will by using a mechanical analogy consistent with Newtonian physics:

> The general will is rarely the will of all, and the public force is always less than the sum of the private forces, so that in the mechanism of the State there is an equivalent of friction in machines, which one must know how to reduce to the least possible amount and which must at least be calculated and subtracted in advance from the total force, so that the means used will be exactly proportionate to the effect desired. But without going into this difficult research which constitutes the science of the Legislator, let us finish determining the idea of the civil state. (*Geneva Manuscript*, I, iv, 88)

That Rousseau conceived of the "general will" as a frictionless surface—that is, as an "ideal" model that is difficult, if not impossible, to realize in practical circumstances, though it can be minimized by applied engineering—is confirmed by an unpublished reference to the "friction" in "machine" of State, not to mention other mechanistic analogies in the *Social Contract*.[21]

Rousseau knew better than his critics that the concept of the "general will" was an abstraction and that, in practice, it would often be subverted by private interests ("the will of all") falsely parading under the banner of the common good. But he distinguishes between the formal presentation of his "principles of political right"—the logic of the general will—and the "science of the legislator" (which studies the actual friction between the general will and the wills of the citizens in each concrete situation). It is not the least of Rousseau's claims to greatness that he combined what

we today call an empirical science of politics with an examination of the principles of legitimacy.

Rousseau's "Science of the Legislator"

In the first draft of the *Social Contract*, Rousseau makes a sharp distinction between "the idea of the civil state" and the "science of the legislator"; the latter deals with the practical questions of applying concepts such as the "general will," popular "sovereignty," and the "law" to specific circumstances (*Geneva Manuscript*, I, iv). In the final version, this distinction is stated in somewhat different terms:

> The established Government must never be touched until it becomes incompatible with the public good. But this circumspection is a maxim of politics and not a rule of right, and the State is no more compelled to leave civil authority to its leaders than military authority to its Generals. (III, xviii, 196)

Whether called "the science of the legislator" (as in the first draft) or the "maxims of politics" (as in the final version), one of the striking contributions of the *Social Contract* is Rousseau's analysis of the varied circumstances in actual political life.

Although most commentators have stressed Rousseau's "principles" or "rules of right," the concrete examination of what is today called "empirical political science" actually takes up the largest part of the *Social Contract*. After introducing the ways in which circumstances determine which laws are appropriate for a "People" (II, viii–x), Rousseau surveys the kinds of legislation and laws (II, xi–xii) as a prelude to discussing different forms of government in Book III. Having devoted the third book—whose eighteen chapters make it the longest of the work—to "the various forms of government," Rousseau spends most of Book IV discussing the constitution of Republican Rome (IV, iv–vii). Indeed, in the final version, the exposition of Rousseau's "principles of political right" is essentially contained in Book I, chapters vi–ix; Book II, chapters i–vii; Book III, chapters xvi–xvii; and Book IV, chapters i–ii.

It is not possible to set forth Rousseau's practical science of politics in detail here.[22] The reader interested in this side of the *Social Contract* is invited to pay special attention to those propositions that Rousseau calls "maxims of politics." Three aspects of this political science are, however, of general importance: first, Rousseau's "maxims" reinforce his preference for the republican regimes of pagan antiquity; second, they reveal the causes that generally lead political institutions to decline into corruption and tyranny; third, they help explain the role of the "legislator" and "civil religion" in Rousseau's political thought.

Rousseau's preference for the ancient republican *polis*, or city-state, is clear enough from his explicit praise of Sparta and early Rome. However, behind this choice is a practical understanding of the way in which the tension between the general will and private interest produces "friction" in every political community. When turning to a comparison of "different forms of government" in Book III, Rousseau develops a very subtle theory of the relation between the individual politician, the government as a collective group, and the entire society:

> We can distinguish three essentially different wills in the person of the magistrate. First, the individual's own will, which tends only toward his private advantage. Second, the common will of the magistrates . . . which may be called the corporate will, and is general in relation to the Government and private in relation to the State, of which the Government is a part. Third, the will of the people or the sovereign will, which is general both in relation to the State considered as a whole and in relation to the Government considered as part of that whole. (III, ii, 170)

In a remarkable way, Rousseau here transforms the logic of the general will from a theory of obligation into a sociological insight, used simultaneously to describe the "common will of the magistrates" and the "will of the people."

Because any corporate group, including a government, has a set of common interests, the general will of an entire society can be opposed not only by the private will of an individual but also by the corporate will of a group whose members share an interest dividing them from the other citizens. Although Rousseau spells out this group theory of politics in the *Political Economy*,[23] it has several implications that are particularly striking in the *Social Contract*.

First of all, it stands to reason that the smaller the number of individuals and the more similar their situation, the less the "friction" or contradiction between private interests and their common interest. As Rousseau puts one of his basic "maxims": "The more the social bond stretches, the looser it becomes" (II, ix, 159). This relationship between size and harmony operates on the level of civil society as a whole, reinforcing Rousseau's preference for a small community: "In general, a small State is proportionally stronger than a large one" (II, ix, 159); "the larger the State grows, the less freedom there is" (III, i, 168). The same relationship operates within the government itself: "the more numerous the Magistrates, the weaker the Government" (III, ii, 170).

It follows, therefore, that the natural tendency of human behavior is the reverse of the logic of Rousseau's "principles of political right":

> In perfect legislation, the private or individual will should be null; the corporate will of the Government very subordinate; and consequently the general or

sovereign will always dominant and the unique rule of all the others. According to the natural order, on the contrary, these different wills become more active as they are more concentrated. Thus the general will is always the weakest, the corporate will has second place, and the private will is first of all. (III, ii, 170–171) [24]

Although this explains why the "perfect" realization of the general will is as unlikely as the construction of a perfectly frictionless machine, it also reinforces Rousseau's basic attitude toward human history.

From his "maxims," Rousseau goes on to deduce "that the Government becomes slack in proportion as the magistrates multiply" and "that the more numerous the people, the greater the increase in repressive force should be." As a result, "the more the State grows, the more the Government should shrink" (III, ii, 171).

If the number of supreme magistrates in different States ought to be in inverse proportion to the number of Citizens, it follows that in general Democratic government is suited to small States, Aristocratic to medium-sized ones, and Monarchical to large ones. (III, iii, 173)

The scientific study of social behavior points to the impossibility of justice in a large, monarchical society—and therewith to the superiority of ancient political practice in the republican *polis*.

On the one hand, modern secular political theorists, following Machiavelli, Hobbes, and Locke, tend to favor an expansionist commercial society that inevitably increases the size of the State and strengthens the attachment to private interests. For Rousseau, a society that must "cultivate commerce and navigation" will "have a brilliant and brief existence" (II, xi, 163). On the other hand, however, modern Christianity has tremendously complicated the political problem. As Rousseau puts it:

Communion and excommunication are the social compact of the clergy, a compact by means of which it will always be master of peoples and kings. . . . The pagan priests had nothing that resembles it, and therefore they never constituted a body of clergymen. (IV, viii, note, 218)

The city-states of pagan antiquity were thus superior to large monarchies like eighteenth-century France both because they were small enough for citizens to share common interests, and because they were not burdened by a church that constituted a State within the State. Rousseau's extensive discussion of the Roman Republic (IV, iv–vii, 203–215) thus gives concrete expression to a well thought-out critique of the political practice of all modern societies.

Rousseau's maxims of politics do more than provide additional reasons for admiring pagan republics in ancient times. These sociological regularities also explain why even the best government is bound to decline into despotism and slavery:

> Just as the private will acts incessantly against the general will, so the Government makes a continual effort against Sovereignty. The greater this effort becomes, the more the constitution changes, and as there is no corporate will which, by resisting the will of the Prince, would balance it, sooner or later the Prince will finally oppress the Sovereign and break the social treaty. That is the inherent and inevitable vice which, from the emergence of the body politic, tends without respite to destroy it. (III, x, 186)[25]

Rousseau's pessimistic view of human history, which had been set forth at length in the two *Discourses*, operates within the maxims comprising the "science of the legislator." As Bertrand de Jouvenel puts it: "Rousseau the social scientist predicts the destruction of what Rousseau the moralist recommends."[26]

These comments hardly do justice to Rousseau's analysis of the political effects of climate, geography, history, size, and economic structure. But they do suggest why Rousseau's scientific "maxims of politics" predict that even his own "principles of right" will fail to prevent political decline in the long run. Indeed, Rousseau's political thought stresses the inevitable contradiction between democracy and science. By right, the laws are legitimate only if enacted by free popular vote; in practice, legislation will fail unless it satisfies numerous "matters of expediency" (*convenances*), which can only be discovered by the few who have mastered a complex science of politics. Because the science necessary for successful legislation is exceedingly difficult, Rousseau saw that the populace could hardly be expected to understand it.

This tension, which is illustrated by the dilemmas of public policy in all modern regimes, explains two important features of Rousseau's *Social Contract*: the "legislator" (II, vii) and the "civil religion" (IV, viii). The "genius" discovering the laws best suited for a particular community is personified as an individual—the "legislator" who is somehow above the level of ordinary men. The legislator is the most exceptional example of the heroic virtue discussed in the *Discourse on the Virtue Most Necessary for a Hero*. Because a successful policy cannot be based on popular understanding of the "science of the legislator," the patriotic opinions needed to support good laws are transformed into dogmas—the "civil religion" that converts selfish private individuals into virtuous citizens. Although we do not usually think of politics in these terms, Rousseau's conceptions of the legislator and civil religion are worth studying, for they concern contradictions between democracy and science that remain very much with us.

Rousseau's Originality

To use contemporary terms, Rousseau's principles are "democratic" and "revolutionary." But whereas democrats or revolutionaries often imply that historical progress will inevitably result if corrupt regimes are swept away, Rousseau rejects such an optimistic view of history—and yet still favors a republican or egalitarian form of government. In other words, the revolutionary side of Rousseau's thought takes on added power precisely because he accepts the view of history usually adopted by traditionalists; the argument that many societies will inevitably be ruled by despots and tyrants only makes the assertion of political freedom the more striking.

Rousseau's originality thus lies in his attempt to combine a view of human nature derived from moderns like Hobbes and Locke with a view of history derived from ancients like Plato and Aristotle. At the same time, however, Rousseau replaces the aggressive or rational egoism of Hobbes and Locke with the more passive and instinctive self-preservation of isolated animals. While sharing the ancients' skepticism toward radical historical progress, Rousseau modifies it by presenting scientific principles that show how to construct a legitimate and free government, at least in some instances.

If Rousseau's thought is considered in terms of his conceptions of human nature and of history, which are fundamental to all political thought, the coherence of his "political system" becomes clearer. Unlike most writers, he not only saw why prior political philosophers had been divided by these basic issues, but he also transformed the terms of the debate in his attempt to resolve it. In short, Jean-Jacques Rousseau is one of the few political theorists who goes to the root of most of the perennial questions and who thereby contributed new concepts, if not a new frame of reference, to our understanding of politics.

Note on the Text

This translation is an effort to provide an English version that corresponds word for word (as far as possible) with Rousseau's French text. Wherever possible, words have been translated consistently both within and between Rousseau's political writings. Although this goal may cause some awkwardness, it has the advantage of permitting readers to come to their own conclusions with the smallest danger that the translation will have imposed a particular interpretation.

The translation of the *Geneva Manuscript* and *Social Contract* were originally published by St. Martin's Press (1978) and are reproduced here with permission. In order to provide consistency throughout, a few minor modifications in previously published translations have been necessary. We thank particularly Clifford Orwin and John T. Scott for noting errors and suggesting valuable changes.

Volume III of the Pléiade edition of Rousseau's *Oeuvres Complètes* was used as the basic text for the translations of the *Geneva Manuscript, Social Contract*, and Political Fragments. Volume II of the Pléiade edition was used for the text of the *Discourse on the Virtue Most Necessary for a Hero*. The "Fragment on Freedom" and the fragment "Socrates and Cato" are translated from the versions in *Jean-Jacques entre Socrate et Caton*, edited by Claude Pichois and René Pintard (Paris: José Corti, 1972).

We thank the following publishers for permission to reprint quotations from the works indicated: Thomas Nelson (Frederick Watkins, trans., *Rousseau: Political Writings*); E. P. Dutton, Everyman's Library (Richard Crawley, trans., *Thucydides' The History of the Peloponnesian War*); Clarendon Press (J. B. Moyle, trans., *Institutes of Justinian*; Mandeville, *The Fable of the Bees*; Ernest Barker, trans., *Aristotle's Politics)*; and Harvard University Press (A. D. Godley, trans., *Herodotus' Histories*).

SOCIAL CONTRACT, DISCOURSE ON THE VIRTUE MOST NECESSARY FOR A HERO, POLITICAL FRAGMENTS, AND GENEVA MANUSCRIPT

Discourse on This Question: Which Is the Virtue Most Necessary for a Hero and Which Are the Heroes Who Lacked This Virtue?[1]

Proposed in 1751 by the Academy of Corsica

Notice

This piece is very bad, and I felt this so strongly after writing it that I did not even condescend to send it. It is easy to do less badly on the same subject, but not to do well, for there is never a good answer to make to frivolous questions. That is always a useful lesson to draw from a bad writing.

If I were not *Alexander*, said that Conqueror, I would want to be *Diogenes*.[2] Would the Philosopher have said: if I were not who I am, I would want to be *Alexander*? I doubt it. A Conqueror would consent to be a Wise Man sooner than a Wise Man would consent to be a Conqueror. But what man in the world, with the exception of the Wise Man, would not consent to be a Hero? Thus it is felt that Heroism has its own virtues, which are not dependent on fortune at all, but which need it in order to develop. The Hero is the product of nature, fortune, and himself. To define him well, it would be necessary to indicate what he gets from each one of the three.

All the virtues belong to the Wise Man. The Hero compensates for the virtues he lacks by the brilliance of those he possesses. The virtues of the first are temperate, but he is exempt from vices. If the second has faults, they are effaced by the luster of his virtues. Always true, the former has no bad qualities; always great, the latter has none at all that are mediocre. Both are firm and unshakeable, but in different ways and about different things. One never yields except through reason, the other never does so except through generosity. Weaknesses are as little known to the Wise Man as are cowardly acts to the Hero; and violence has no more influence over the soul of the latter than the passions over that of the former.

There is more solidity, then, in the character of the Wise Man and more brilliance in that of the Hero. And the former would have to be given preference if one were satisfied to consider them thus in themselves. But if we envisage them in their relationship to the interest of Society, new reflections will soon produce different judgments and reinstate to the Heroic qualities the preeminence they deserve and that has been granted them in all centuries by common consent.

Indeed, the care of his own felicity is the Wise Man's entire occupation and that is doubtless a large enough one for an ordinary man. The views of the true Hero extend further. The happiness of men is his object, and it is to this sublime labor that he devotes the great soul he received from Heaven. The Philosophers, I admit, claim to teach men the art of being happy, and as if they were expecting to form nations of Wise Men, they preach to peoples a chimerical felicity which they do not have themselves and of which the people never acquire an idea or a taste. *Socrates* saw and deplored the misfortunes of his fatherland; but it fell to *Thrasybulus* to end them.[3] And *Plato*, after having wasted his eloquence, his honor, and his time at a Tyrant's court, was forced to abandon to someone else the glory of freeing Syracuse from the yoke of tyranny.[4] The Philosopher can give the Universe some salutary instructions, but his lessons will never correct either the nobles who scorn them or the People which does not hear them at all. Men are not governed in that way by abstract views; one makes them happy only by constraining them to be so, and one must make them experience happiness in order to make them love it. Those are the occupation and talents of the Hero. It is often with a strong hand that he puts himself in a position to receive the Benedictions of men, whom he first constrains to bear the yoke of laws in order to subject them to the authority of reason in the end.

Of all the qualities of the soul, then, Heroism is the one with which it is the most important to Peoples that those who govern them be adorned. It is the collection of a large number of sublime virtues, rarely combined, rarer still in their energy, and all the more rare in that the Heroism which they constitute, detached from all personal interest, has only the felicity of others as its object and only their admiration as its reward.

I have said nothing here about the legitimate glory owed to great actions. I have not talked at all about the strength of genius and other personal qualities necessary to the Hero, which—without being virtues—are often more useful than they are to the success of great ventures. To place the true hero in his rank, I have had recourse only to this incontestable principle: that among men it is the person who makes himself most

useful to others who should be the first of them all. I have no fear that Wise Men will contest a decision based on that maxim.

It is true, and I hasten to admit it, that this manner of envisioning Heroism raises an objection that seems all the more difficult to resolve because it is drawn from the very foundation of the subject.

There must not be two Suns in nature nor two *Caesars* on earth, said the Ancients. Indeed, Heroism is like those precious metals whose value consists in their rarity and which would become pernicious or useless by their abundance. The person whose valor brought peace to the World would have been its desolation if there had been a single rival worthy of him. Certain circumstances can make a Hero necessary for the salvation of the human race, but at any time whatsoever, a people of Heroes would infallibly be its ruin, and like the soldiers of *Cadmus*,[5] it would soon destroy itself.

What, someone will say to me, can multiplying the number of benefactors of the human race be dangerous for men, and can there be too many people who work for the happiness of all? Yes, without doubt, I will reply, when they go about it badly or when they only appear to attend to it. Let us not conceal anything; public felicity is far less the end of the Hero's actions than it is a means to reach the one he sets for himself, and that end is almost always his personal glory. Love of glory has done countless good and bad things. Love of the fatherland is purer in its principle and more certain in its effects. So it is that the World has often been overburdened with Heroes, but nations will never have enough citizens. There is a great difference between the virtuous man and the one who has virtues. The virtues of the Hero rarely have their source in purity of soul, and—like those salutary but inactive drugs that must be activated by bitter and corrosive salts—it could be said that they need the cooperation of some vices to make them active.

Heroism must not be viewed, then, with the idea of a moral perfection that does not suit it at all, but as a composite of good and bad qualities, healthy or harmful according to the circumstances, and combined in such a proportion that the result is often more fortune and glory for the one who possesses them, and sometimes even more happiness for Peoples than would come from a more perfect virtue.

It follows from the careful development of these notions that there can be many virtues opposed to Heroism, others which are indifferent to it; that others are more or less favorable to it according to their differing relationships to the great art of subjugating hearts and gaining the admiration of Peoples; and finally that among the latter there must be

one that is more necessary, more essential, and more indispensable to it, and which characterizes it in some way. It is this special and specifically Heroic virtue that should be the object of my research here.

Nothing is as self-assured as ignorance, and doubt is as rare among the People as affirmation is in true Philosophers. Long ago common prejudice decided the question we raise today, and the warrior's valor has long been accepted by most men as the prime virtue of the Hero. Let us dare bring this blind prejudice before the Tribunal of reason, and let prejudices—so often its enemies and conquerors—learn to yield to it in turn.

Let us not reject the first reflection this subject provides, and let us agree first that Peoples have very thoughtlessly conferred their esteem and their praise on martial valor, or that it is a very odious inconsistency for them to believe that the benefactors of the human race announce their character by the destruction of men. We are both very blundering and very unfortunate if our admiration can be elicited only by our desolation. Must we believe, then, that if ever a time of happiness and peace were to be reborn among us, they would banish Heroism from it, with its dreadful cortege of public calamities, and that Heroes would be relegated to the Temple of *Janus* [6] in the same way old and useless arms are locked up in our Arsenals following war.

I know that among the qualities that must form the great man, courage is something, but away from battle valor is nothing. The brave man shows his worth only in battle; the true hero shows his every day, and his virtues—though they are sometimes displayed in pomp—are no less often put to use under a more modest exterior.

Let us dare to say it. Valor is so far from being the prime virtue of the Hero, that it is doubtful whether it should even be counted among the virtues. How could one honor by this name a quality on which so many scoundrels have based their crimes? No, a *Cataline* or a *Cromwell*[7] would never have made his name famous; one of them would never have attempted to ruin his fatherland nor the other to enslave his, if the most unshakeable intrepidity had not been the foundation of their character. With a few more virtues, you will tell me, they would have been Heroes. Say instead that with fewer crimes they would have been men.

I will not review here those deadly warriors, the terror and scourge of the human race, those men eager for blood and conquests, whose names cannot be pronounced without trembling: *Marius*, *Totila*, *Tamerlane*.[8] I will not take advantage of the justifiable horror they have inspired in nations. And is there any need to resort to monsters to prove that even the most generous bravery is more suspect in its principle, more variable in its examples, more deadly in its effects than is appropriate to the con-

stancy, solidity, and advantages of virtue. How many memorable actions have been inspired by shame or by vanity? How many exploits, carried out in broad Daylight under the eyes of leaders and in the presence of a whole army, have been contradicted in the silence and obscurity of the night? Such a one is brave in the midst of his companions who would be nothing but a coward when left on his own; such a one has the head of a General who would never have the heart of a soldier; such a one stands in the breach to affront death and his enemy's sword who cannot bear the sight of the Surgeon's salutary scalpel in the privacy of his home.

So and so was brave on such and such a day, said Spaniards in the time of *Charles V*, and those people were knowledgeable about bravery.[9] Indeed, there may be nothing quite as variable as valor, and there are very few sincere warriors who would dare be answerable for themselves for just twenty-four hours. *Ajax* terrifies *Hector*; *Hector* terrifies *Ajax* and flees from *Achilles*.[10] *Antiochus the Great* was brave half his life and cowardly the other half. The victor over three quarters of the World lost his heart and his head at Pharsalia. *Caesar* himself was upset at Dyrrachium and afraid at Munda. The vanquisher of *Brutus* fled shamefully before *Octavius* and abandoned victory and control of the World to the person who depended on him for both of them. Will it be believed that I am citing examples from antiquity here for lack of modern ones?[11]

Therefore let us no longer be told that the palm of Heroism belongs only to valor and military talents. The reputation of great men is not measured by their exploits. The vanquished have taken the prize of glory from the victors a hundred times. Let a vote be taken and tell me who is greater: *Alexander* or *Porus*, *Pyrrhus* or *Fabricius*, *Antony* or *Brutus*, *Francis I* in chains or *Charles V* triumphant, *Valois* the victor or *Coligny* the vanquished?[12]

What can we say about those great men who are all the more certainly immortal because they did not stain their hands in blood? What shall we say about the Legislator of Sparta, who, after having tasted the pleasure of ruling, had the courage to return the crown to its legitimate owner who did not even ask him for it; about that gentle and peaceful Citizen who knew how to avenge his injuries not by the death of the offender but by making him a decent man? Must we contradict the oracle which awarded him practically divine honors, and refuse Heroism to the person who made heroes of all his compatriots? What shall we say about the Legislator of Athens who was able to preserve his freedom and virtue even at the Court of tyrants, and who dared to assert to the face of an opulent Monarch that power and riches do not make a man happy? What shall we say about the greatest of the Romans and most virtuous of men,

about that model of citizens whose fatherland's oppressor did him the honor to hate him enough to take pen in hand against him, even after his death? Will we insult Heroism by refusing its title to *Cato of Utica*? And yet this man did not distinguish himself in battles and did not fill the world with talk of his exploits. I am mistaken: he did perform one, the most difficult that has ever been undertaken, and the only one that will not be imitated, when from a body of warriors he formed a society of wise, equitable, and modest men.[13]

It is well-known that *Augustus's* main trait was not valor. It was not on the shores of Actium nor on the plains at Philippi that he gathered the laurels which immortalized him but, rather, in Rome, pacified and made happy. The Universe in submission did less for the glory and security of his life than the equity of his laws and the pardon of *Cinna*; thus the social virtues are preferable to courage even in Heroes! The greatest Captain in the world was assassinated in the middle of the Senate for a bit of indiscreet arrogance, for having wished to add a vain title to a real power; and the odious author of proscriptions—erasing his heinous crimes by means of justice and clemency—became the father of his fatherland which he had desolated and died adored by the Romans he had enslaved.[14]

Which of us will dare take from all these great men the Heroic crown that adorns their immortal heads? Who will dare refuse it to that Philosophical and beneficent warrior who, with a hand accustomed to brandishing arms, removes from your midst the calamities of a long and deadly war, and makes the sciences and fine arts shine among you with Royal splendor.[15] O Spectacle worthy of the Heroic age! I see the Muses in all their brilliance marching among your battalions with a confident step; Apollo and Mars crown each other; and your Island, still smoking from the ravages of the violence, brave the explosions henceforth from the shelter of these double laurels. Therefore decide, illustrious Citizens, which ones better deserved the Heroic palm: the Warriors who ran to your defense or the Wise Men who do everything for your happiness. Or rather, spare yourselves a useless choice, since with this double title you will have the same heads to crown.

To the examples that present themselves in a crowd and that I am not permitted to exhaust, let us add a few reflections that confirm the inductions I wish to draw from them here. Assigning the first rank to valor in the Heroic character would be giving the arm that executes higher status than the head that plans. Yet, it is easier to find arms than heads. One can entrust the execution of a great project to others without losing its principal worth; but to execute someone else's project is voluntarily to accept a lower rank that is not suited to the Hero.

Thus, whatever the virtue that characterizes it might be, it must indicate genius and be inseparable from it. Heroic qualities do have their seed in the heart, but it is in the head that they develop and acquire solidity. The purest soul can lose its way even on the path of goodness if mind and reason do not guide it, and all virtues are corrupted without the collaboration of wisdom. Firmness easily degenerates into obstinacy, gentleness into weakness, zeal into fanaticism, valor into ferocity. Often, a great undertaking that is badly organized does more harm to the person whose failure it is than a well-earned success would have honored him; for scorn is usually stronger than esteem. It even seems that in order to establish a brilliant reputation, talents compensate for virtues more easily than virtues do talents. The Soldier from the North, with a narrow genius and unlimited courage, lost forever—right in the middle of his career—the glory he had acquired by marvels of valor and generosity; and public opinion is still unsure whether the murderer of *Charles Stuart* is not one of the greatest men who ever lived even with all his heinous crimes.[16]

Bravery does not constitute a character, and on the contrary it is from the character of the person who possesses it that it derives its particular form. That form is virtue in a virtuous soul and vice in a wicked one. The knight *Bayard* was brave; *Cartouche* was too.[17] But will anyone ever believe that they were brave in the same way? Valor can assume every form. It is generous or brutal, stupid or enlightened, furious or tranquil depending on the soul that possesses it. According to circumstances, it is the sword of vice or the shield of virtue; and since it does not necessarily indicate either greatness of soul or that of mind, it is not the virtue most necessary for a Hero. Pardon me, valiant and unfortunate People who has for so long filled Europe with talk of your exploits and misfortunes. No, it is not to the bravery of those of your Fellow citizens who have spilled their blood for their country that I will award the Heroic crown, but to their ardent love for the fatherland and to their invincible constancy in adversity. To be Heroes with such feelings, they could even have done without being brave.[18]

I have attacked a dangerous and too widespread opinion. I do not have the same reasons to follow the method of exclusions in all its details. All virtues arise from the different relationships that Society has established between men. Now the number of these relationships is almost infinite. What a task would it therefore be to undertake to cover all of them? It would be immense, since there are as many possible virtues among men as there are real vices. It would be superfluous, because among the great and difficult virtues the Hero needs in order to command well, one could not include as necessary the large number of even more demanding virtues

the multitude needs in order to obey. So and so who shined in the first rank would have died obscure, without having made himself noticed, had he been born in the lowest. I do not know what would have happened to *Epictetus* on the world's throne. But I know very well that had *Caesar* himself been in the place of Epictetus, he would never have been anything but a puny slave.[19]

Let us confine ourselves then, for brevity, to the divisions established by the Philosophers, and be satisfied to cover the four principal virtues to which they relate all the others, since we are very sure that the basis of Heroism should not be sought in qualities that are accessory, obscure, and subordinate.

But shall we say that justice is that basis, whereas it is on injustice that the majority of great men have founded the monument to their glory? Some, intoxicated with love for the fatherland, have found nothing to be illegitimate in its service and have not hesitated to use for its benefit odious means which their generous souls could never have resolved to use for their own. Others, consumed by ambition, have labored only to put their country in chains. Fervor for revenge has brought others to betray it. Some have been avid conquerors, others clever usurpers, still others have not been ashamed to become the Ministers of someone else's tyranny. Some have scorned their duty, others have made light of their faith. A few have been unjust systematically, others through weakness, the majority through ambition. All achieved immortality.

Justice then is not the virtue that characterizes the Hero. It will be no more convincing to say that it is temperance or moderation, since it is for lack of the latter virtue that the most famous men have made themselves immortal, and the vice opposed to the former has not prevented any among them from becoming so, not even *Alexander*, whom this awful vice covered with the blood of his friend; not even *Caesar*, who, after his death, was not deprived of a single altar because of the dissoluteness of his life.

Prudence is more a quality of the mind than a virtue of the soul. But however one envisages it, it is always found to have more solidity than brilliance, and it serves rather to set off the other virtues than to shine on its own. Prudence, says Montaigne, so tender and circumspect, is the mortal enemy of high performances and all genuinely heroic acts. If it prevents great faults, it also harms great undertakings, for there are few of these in which it is not necessary to leave much more always to chance than suits a wise man.[20] Besides, the character of Heroism is to carry its own virtues to the highest degree. But nothing is as close to pusillanimity as excessive prudence, and one scarcely rises above men except by some-

times trampling on human reason. Therefore, prudence is also not the characteristic virtue of the Hero.

Temperance is even less so, as the trait which Heroism itself, which is nothing other than an intemperate taste for glory, seems to exclude. Where are the Heroes who have not been degraded by excesses of some type? Alexander, they say, was chaste, but was he sober? Did not this emulator of the first vanquisher of India imitate its dissolutions? Did he not combine them all when, in pursuit of a Courtesan, he burned the Palace at Persepolis? Ah, if only he had had a Mistress! In his deadly debauchery, he would not have killed his friend. Caesar was sober, but was he chaste, he who introduced unheard of prostitutions into Rome and changed sex at whim? Alcibiades had every sort of intemperate taste and was no less one of the great men of Greece. Cato the Elder himself loved money and wine. He had ignoble vices and was the admiration of the Romans. And those people were knowledgeable about glory.[21]

The virtuous man is just, prudent, moderate without being a Hero on that account, and too frequently the Hero is none of those things. Let us not be afraid to agree about it: often it is even to the scorn of these virtues that Heroism has owed its brilliance. What happens when we consider *Caesar*, *Alexander*, *Pyrrhus*, *Hannibal* from this angle? With fewer vices, they might have been less famous; for glory is the reward of Heroism, but there must be some other reward for virtue.

If the virtues had to be distributed to those they suit best, I would assign prudence to the Statesman, justice to the Citizen, moderation to the Philosopher. As for strength of soul,[22] I would give it to the Hero, and he would have no reason to complain about his share.

Indeed, strength is the true foundation of Heroism, it is the source or the supplement of the virtues that constitute it, and it is what makes it suitable for great things. Bring together as you will the qualities that can work in concert to make a great man; if you do not add strength to animate them, they all languish and Heroism disappears. On the contrary, strength of soul alone necessarily confers a great number of Heroic virtues on a person who is endowed with it, and compensates for all the others.

Just as one can perform actions of virtue without being virtuous, one can perform great actions without having the right to Heroism. The Hero does not always perform great actions; but he is always ready to do so if needed and shows himself to be great in all the circumstances of his life. That is what distinguishes him from the ordinary man. An invalid can take up a spade and cultivate the soil for a few moments, but he soon becomes exhausted and grows weary. A robust farmer does not endure hard

labor without respite, but he could do so without harming himself, and he owes this ability to his bodily strength. Strength of soul is the same thing. It consists in always being able to act forcefully.

Men are more blind than wicked, and there is more weakness than maliciousness in their vices. We deceive ourselves before we deceive others, and our faults come only from our errors. We hardly commit any of them except because we let ourselves be won over by petty current interests which make us forget things that are more important and more remote. From that come all the pettinesses that characterize the ordinary person: inconstancy, thoughtlessness, capriciousness, imposture, fanaticism, cruelty—vices which all have their source in weakness of the soul. On the contrary, everything is great and generous in a strong soul, because it knows how to distinguish the beautiful from the specious, reality from appearance, and to fasten on its object with that firmness that removes illusions and surmounts the greatest obstacles.

So it is that uncertain judgment and an easily seduced heart make men weak and small. To be great, it is necessary only to become master of oneself. Our most formidable enemies are within ourselves; and whoever has been able to fight and defeat them will have done more for glory, in the judgment of Wise Men, than if he had conquered the Universe.

That is what produces strength of soul. That is how it can enlighten the mind, enlarge genius, and give energy and vigor to all the other virtues. It can even take the place of those we lack, for a person who would be neither courageous, nor just, nor wise, nor moderate by inclination will be so however by reason, as soon as having overcome his passions and conquered his prejudices, he feels how much it is to his advantage to be so; as soon as he is convinced that he can make his own happiness only by working for that of others. Strength, then, is the virtue that characterizes Heroism, and it is confirmed by another unanswerable argument which I take from the reflections of a great man. The other virtues, *Bacon* says, free us from the domination of the vices; only strength protects us from that of fortune.[23] Indeed, what virtues do not need certain circumstances to make them function? What good is justice with tyrants, prudence with madmen, temperance in the midst of poverty? But all events honor the strong man, happiness and adversity serve equally for his glory, and he rules no less in chains than on the Throne. The martyrdom of Regulus in Carthage,[24] the festivities for Cato expelled from the consulate, the composure of Epictetus crippled by his master are no less illustrious than the triumphs of Alexander and Caesar. And if Socrates had died in his bed, people today might suspect that he was nothing more than a clever Sophist.[25]

After determining the virtue most suited to the Hero, I am also supposed to talk about those who attained Heroism without possessing it.[26] But how would they have attained it without the trait which alone constitutes the true Hero and is essential to him? I have nothing to say about this, and that is the triumph of my cause. Among the famous men whose names are inscribed on the temple of Glory, some have lacked wisdom, others moderation. There have been those who were cruel, unjust, imprudent, perfidious. All have had weaknesses. None of them has been a weak man. In short, all the other virtues might have been lacking in some great men, but there was never a Hero without strength of soul.

Fragment on Freedom[1]

I have no idea if the acts of my will are in my own power or if they follow an outside impetus, and I care very little about knowing that, since this knowledge could not influence my behavior in this life, and, if there is another as I believe, I am convinced that the same means by which I can create my current happiness must also earn my immortal felicity.

Therefore, I have no wish at all to speak here about this metaphysical and moral Freedom.

One of the greatest chimeras of Philosophy is having to seek some form of Government in which the citizens can be free and virtuous by the force of the laws alone. It is only in the solitary life that freedom and innocence can be found, and we can be certain that the epoch of the first establishment of societies was that of the birth of crime and slavery. Ever since the world has had masters, corruption as well as servitude has become general, and it is the latter that led to the former.

It is a very terrible thing that in whatever hidden recess of the world a man would take refuge against oppression, he perceives everywhere over his head a menacing hand always ready to crush him. There is no longer any region where it is not a crime to dare claim the rights of nature, and nowhere is it permitted to be a man. Our Tyrants are doubtless right to cover the universe with their fetters like this. If there remained a single desert where it were possible to be free with impunity, it would soon become the fatherland of the human race, and to the shame of all our Legislators, it would then be seen that their laws were capable of making a few hypocrites, and that only the laws of nature make worthy men.

Listen to our Politicians[2] argue: they have nothing but the defense and advantage of peoples in view. Watch them act: they work only to oppress them. Who would defend the weak, they say, if they were not protected by the sovereign; yet it is against the sovereign alone that they need protection. Who would safeguard the masses from the invasion of enemies, and what enemy ever did them as much harm as their master? They enforce justice, they say, yet all their behavior is nothing but injustice, violence, and cruelty. They pretend to forbid us from doing evil, and really prevent us from doing good. To maintain peace among their subjects, they wage a continual war against them and destroy them by dint of protecting them.

I advise them to stop using all those ridiculous maxims with which they believe they delude the stupidity of peoples. It is a long time since anyone was duped by them. All the subjects tremble at the Prince's slightest declaration in their favor, and they feel condemned as soon as he talks of doing them some good. There must be laws and sovereigns.

Comparison of Socrates and Cato[1]

God forbid that in treating such an important subject I should sully my style with base embellishments which Socrates and Cato would have scorned. I would feel terrified by the image of these two great men if in speaking of them I were to dare move away from that simplicity which was the soul of their characters and which they put into all the actions of their lives.

The Romans were all warriors by trade, just as the Greeks were Philosophers. In a way, these two exchanged professions in warfare. In the Army, Socrates was a soldier and Cato practiced Philosophy. We know all the proofs of bravery Socrates gave in various encounters, and above all at the siege of Potidaea, where he voluntarily conceded to Alcibiades the prize for valor which had been awarded to him.[2] As for Cato, in the idleness of the camps, he was the preacher of virtue, and from a group he commanded and had found filled with the same morals and imbued with the same maxims that flourish today among our military men, he made a society of moderate and wise men.[3]

The Roman republic, overcome by the weight of its riches and conquests, was falling into ruin when Cato was born. Marius and Sulla had almost toppled the edifice, but the facade still remained, and the ancient form was all that was left of the ancient constitution. The causes of destruction were evident. And if there had been no others besides the universal corruption of morals, the Luxury of the rich, the misery of the poor, and the avarice of all, what more was needed to cause the death of a government founded on the horror of vice and maintained by the love of virtue. The Battle of Pharsalia only delivered to their Master peoples destined in their heart to servitude, for it is not when one sells his freedom that he loses it, but rather the moment one becomes capable of attaching a price to it. That group of slaves had been waiting a long time for a master to buy them.

Both of them were born free, and it would be the encomium of fortune if it had been in its power to make them its slaves. But under an arbitrary yoke, the souls of Socrates and Cato would have been stifled almost at birth, and would soon have fallen back to the ordinary class of great men. A Marius declaims in vain. Virtue's energy was never found in

dependence, for I cannot call a man virtuous who can be constrained to do evil.

If you are a Philosopher, live like Socrates; if you are only a Statesman, live like Cato.

Socrates could live under Tyrants, for he was certain to preserve his freedom everywhere. Cato abhorred Tyranny, for he was not satisfied to be free himself; he wanted all Citizens to be free.

There is no more noble death in the world than that of Socrates, but there is no more noble life than that of Cato.

Socrates would have made them wise, Cato would have made them happy.

And to make a people wise and happy, it would have to be taught by Socrates and governed by Cato.

And the best wish that every people could make for becoming wise and happy would be to be taught by Socrates and governed by Cato.

Socrates and Cato

It is not courage, or fortune, or genius, or talents that are rare, but virtue. There are ordinary Heroes as well as ordinary Kings, but no ordinary virtuous men. And these last are the only ones who, after emerging from the crowd of the people, cannot sink back into the crowd of their fellows.

Immortality is earned by great actions, but there is a more glorious distinction that belongs only to great souls. Courage, fortune, genius, and Talents are common attributes, and there are ordinary heroes as well as ordinary Kings. We fret in vain about having our name emerge from the obscure crowd if it must sink back into the obscurity of the great men who have covered the earth, who will soon be without number, and who will inevitably sink back in the night of time.

Political Fragments[1]

I [Introduction]

1

Size of nations[2]
Government
about Laws
about Religion
about honor
about f.[3]
about Commerce
about Travel[4]
about Types of Food
abuses of society
Cultivation of the sciences
Examination of Plato's Republic.

2

PREFACE[5]

I am going to state the truth, and I shall do so in the manner appropriate to it. Faint-hearted readers, who are disgusted by its simplicity and revolted by its frankness, close my Book; it is not written for you. Satirical readers, who love only that part of the truth that can nourish the malignity of your souls, close my Book and throw it away; you would not find in it what you are seeking, and you would soon see in it all the horror its author feels for you.

If this Work falls into the hands of an honest man who cherishes virtue, who loves his brothers, who pities their errors and detests their vices, who can feel moved sometimes by the ills of humanity, and above all who works to make himself better, he can read it in total safety. My heart is going to speak to his.

I like to flatter myself that one day there will be a Statesman who is a citizen; that he will not change things solely in order to do something different from his predecessor, but in order that they might improve; that he will not constantly have the public happiness on his lips, but rather that

he will have it a little in his heart; that he will not make peoples unhappy to strengthen his authority, but that he will use his authority to establish the happiness of peoples; that by some happy chance he will glance at this book; that my imperfect ideas will give rise to more useful ones in him; that he will work to make men better or happier, and that I will perhaps have contributed something to this. This chimera prompted me to take pen in hand . . .

3

After several years have erased my name from the annals of literature may it be able to live again in some nation that is poor and unknown but just, wise, and happy, which—preferring peace and innocence to glory and to conquests, sometime will read with pleasure . . .

4

For when one has exhausted all pleasant researches, in order to avoid an inactivity which the habit of thinking no longer allows one to bear, one must finally relapse into useful researches. Moreover the Arts that are in appearance most frivolous . . .

II [On the State of Nature]

1

Anyone who, renouncing in good faith all the prejudices of human vanity, will reflect seriously on all these things will find in the end that all the noble words of society, justice, laws, mutual defense, assistance to the weak, philosophy, and progress of reason, are only lures invented by clever political thinkers or cowardly flatterers in order to deceive the simple-minded; and will conclude despite all the sophisms of reasoners, that the pure state of nature is the one above all others where men would be the least wicked, the happiest, and the most numerous on earth.

2

The voice of nature and the voice of reason would never be in contradiction if man had not imposed duties on himself which he subsequently is always forced to prefer over natural impulse.

3

But the duties of man in the state of nature are always subordinate to the care of his own preservation, which is the first and strongest of all.

4

. . . from which it follows that to transgress natural Law is nothing but to make a particular exception to one of these general relations by means of a manner of acting that is extraordinary and contrary to the order of nature.

5

Although the associations I have just been talking about were hardly anything but tacit, had only one determinate object, and lasted only as long as the need that formed them, they did not fail to give him some rough idea.[6]

6

But strife was so rare and mutual help so frequent, that this free interchange must have produced much more good will than hate, a disposition which, together with the feeling of commiseration and pity that nature has engraved in all hearts, must have caused men to live rather peacefully in herds.

7

As long as men retained their first innocence, they needed no other guide than the voice of nature. As long as they did not become wicked, they were dispensed from being good. For most of the ills they suffer come far less from nature than from their fellows, so that before one man was tempted to harm another, beneficence would have been almost a superfluous duty. And it can be said that virtue itself which brings about the happiness of the one who practises it only derives its beauty and utility from the miseries of the human race.

But there finally came a time when the feeling of happiness became relative, and when it was necessary to look at others in order to know if one were happy oneself. There came a time still later when the well-being of each individual was so dependent on the cooperation of all the others and when interests were so intertwined, that it became necessary to establish a common barrier, respected by all and limiting the efforts that each would make to improve his situation at the expense of others.

8

When one considers the natural constitution of things, man seems obviously destined to be the happiest of creatures; when one reasons from the current state, the human species appears the most pitiful of all. There

is, therefore, a very strong likelihood that most of its ills are of its own making, and it could be said that mankind has done more to make its condition bad than nature was able to do to make it good.

If man lived in isolation, he would have few advantages over the other animals. It is by mutual frequentation that his most sublime faculties develop and the excellence of his nature is displayed.

While thinking only of providing for his needs, he acquires through interchange with his fellows the feelings that should make him happy along with the insights that should enlighten him. In short, it is only by becoming sociable that he becomes a moral being, a reasonable animal, the king of the other animals, and the image of God on earth.

But man could have been a very reasonable being with very limited insights. For seeing only the objects that interested him, he would have considered them with much care and combined them with very great precision relative to his true needs. Ever since his views have broadened and he has wanted to know everything, he has dispensed with using the same clarity in his reasoning; he has been much more attentive to multiplying his judgments than to avoiding error; he has become much more of a reasoner and much less reasonable.

All these disorders come more from the constitution of societies than from man's own. For what are his physical needs compared to those he has created for himself, and how can he hope to better his condition with the latter, since these new needs, which are only within the grasp of a small number and most of which are even exclusive, can be enjoyed by one person only if a thousand are deprived of them and die unhappy after much torment and useless effort.

9

The time of man's most shameful disorders and greatest miseries came when new passions having stifled the natural sentiments, human understanding had not yet progressed far enough to replace the impulses of nature by the maxims of wisdom. Another epoch that at first sight appears less awful, but was even more disastrous in reality, came when men, by dint of refining and improving upon the art of reasoning, managed to overthrow and confuse the entire doctrine of society and morals, and to consider a system of morality as merely a lure in the hands of clever men for taking advantage of the credulity of the simple-minded.

10

As soon as a man compares himself to others, he necessarily becomes their enemy; for since each in his heart wants to be the most powerful,

the happiest, the richest, he can only consider as a secret enemy anyone else who, cherishing the same project, becomes an obstacle to his realizing it. That is the primitive and radical contradiction that makes social affections mere outward appearance; and it is only in order to prefer ourselves to others with greater certitude that we pretend to prefer them to ourselves.

11

Isolated man is such a weak being, or at least one whose strength is so proportioned to his natural needs and his primitive state, that the slightest change in this state and increase in his needs makes him unable any longer to do without his fellows; and when by dint of progress his desires encompass the whole of nature, the cooperation of the entire human race is barely enough to satisfy them. Thus the same causes that make us wicked also make us slaves, and our weakness arises from our cupidity, our needs bring us together in proportion as our passions divide us, and the greater enemies we become, the less we can do without each other.

12

But although there is not any natural and general society among men, although men become wicked and unhappy in becoming sociable, although the laws of justice and equality mean nothing to those who live both in the independence of the State of nature and subject to the needs of the social State, far from thinking that there is no longer either virtue or happiness for us and that heaven has abandoned us without resources to the depravation of the species; let us attempt to draw from the ill itself the remedy that should cure it; let us use new associations to mend the internal vice of the general association.[7] Let our violent Speaker himself be the judge of our labors, let us show him in perfected art the reparation of the ills that the beginnings of art caused to nature, let us show him all the misery of the state he believed happy, let us make him see the value of good actions, the punishment of bad ones, and the sweet harmony of justice and happiness in a better understood constitution of things, let us enlighten his reason with new insights, warm his heart with new feelings, and let him learn to feel the pleasure of enlarging his being by uniting it to that of his fellows, so that for his own better understood interest he might become just, beneficent, moderate, virtuous, the friend of men and the most worthy of our citizens.

13

However little we might know how to explain to him the genuine constitution of a healthy and legitimate government, if my zeal does not blind me in this great undertaking, let us not doubt that with a strong soul and an upright mind this enemy of the human race will at last abjure his hate along with his errors and that, from a ferocious brigand he wished to become, for his own better understood interest he might become just, beneficent, moderate, virtuous, the friend of men and the most worthy of our citizens.[8]

14

Perhaps you would be able to put off or prevent certain ills which will perhaps never happen to you; but you will not be able to do it except by giving yourself more certain and not less fatal ills.

15

. . . in order to begin again from where we left off. Let us attempt to do on some part of the art of governing what it would be desirable to do in all the sciences, let us destroy everything that is done, that is what it is best to do now, because in order to give a rule in conformity with the actions of men one must first regulate well the diverse relationships they ought to have among themselves.

16

Chap I: On Natural Right and the General Society[9]

Let us begin by removing an ambiguity which is the source of many sophisms.

There are two ways of envisaging . . .

III [On the Social Compact]

1

The People can contract only with itself: for if it were to contract with its officers, since it makes them the trustees of its entire power and there would be no guarantee of the contract, this would not be contracting with them, it would really be putting itself at their discretion.

2

How can one count on commitments that one cannot force those making the contract to keep and which the interest that [caused] them [to make] them [. . .] happening to change . . .

3

You subdued me by force, and as long as you were the stronger I faithfully obeyed you; now since the reason that subjugated me to you has ended, my subjugation ends and you could not say why I obeyed you without saying at the same time why I do not obey you any longer.

4

A transfer that can never be legitimate because it is based on a power that is not advantageous either to the master or to the Slave and consequently contrary to natural right. For the advantage of commanding is—beyond service of one's person—only a good that is imaginary and purely a matter of opinion, and it is very much the same for the personal convenience of the Prince whether he has a hundred thousand more or fewer subjects. Even less is it a good to be constrained to obey, when one has no guarantee at all that one will be commanded wisely, but it is to scoff at people to state seriously that someone can make peoples pass from master to master like Herds of cattle at his whim without consulting either their interest or their opinion.

5

For since all civil rights are founded on that of property, as soon as that is abolished, none other can exist. Justice would no longer be anything but a chimera, and government, a tyranny; and since the public authority would not have any legitimate basis, no one would be bound to acknowledge it, except insofar as he would be constrained to do so by force.

6

Just as it has been said that beauty is only the combination of the most common traits, it can be said that virtue is only the collection of the most general wills.

7

Wickedness is basically only an opposition of the private will to the public will, and it is for this reason that there could not be any freedom among wicked men, because if each one acts according to his own will, it would thwart the public will or that of his neighbor and most of the time both; and if he is constrained to obey the public will, he would never act according to his own will.

8

Since the general will is the rule of the just and unjust in the State and is always inclined toward the public and private good, the public authority should be merely the executor of this will, from which it follows that of all the types of Government, the best by its nature is the one that most closely relates to the general will, the one whose members have the least personal interest contrary to that of the people. For that duality of interests cannot fail to give the leaders a private will that often prevails over the general will in their administration. If the body's plumpness is detrimental to the head, the latter will take great care to prevent the body from becoming fat. If a people's happiness is an obstacle to the ambitions of the leaders, the people had better not be deluded into thinking it is ever happy.

But if the government is constituted as it ought to be, and if it follows the principles it ought to have, its first concern in the public economy or administration will therefore be to attend constantly to the execution of the general will, which is simultaneously the People's right and the source of its happiness. All decisions of that will are called law, and consequently the first duty of leaders is to attend to the observation of the laws.

9

As long as the Government acts only for the public good, it is impossible for it to make an attack on freedom, because it then only executes the general will, and no one can say he is enslaved when he only obeys his own will.

10

But every time it is a question of a genuine act of sovereignty, which is nothing but a declaration of the general will, the people cannot have representatives, because it is impossible for it to be assured that they will not substitute their wills for its, and that they will not force private indi-

viduals to obey in its name orders that it has neither given nor wished to give. A crime of Treason from which few Governments are exempt.

11

On that basis, one should be careful not to confuse the essence of civil society with that of sovereignty. For the social body is the result of a single act of will, and its entire existence is only the sequel and the effect of a prior engagement whose force does not cease to act until this body is dissolved. But sovereignty, which is only the exercise of the general will is, like it, free, and is not subject to any kind of engagement. Every act of sovereignty, like every instant of its existence, is absolute, independent of the one that precedes it; and the sovereign never acts because it wanted, but because it wants.

12

I have said elsewhere what the goal of public administration is, and how the government ought to be constituted to lead in the most direct way to this goal. It remains for me to seek here what it ought to do to attain the goal or come as close as possible to it.

The goal of the government is the realization of the general will; what prevents it from achieving this goal is the obstacle of private wills.

13

All the essential duties of the government are contained in this small number of principal points: 1. cause the laws to be observed; 2. defend freedom; 3. maintain morals; 4. provide for public needs. But however important these precepts may appear, they will be reduced to vain and sterile maxims that are impossible to put into practice if they are not made effective by the active and sublime principle that should inspire them. This is what I would like to try to make apparent.

14

The first object proposed by men in the civil confederation was their mutual security, that is, the guarantee of each one's life and freedom by the whole community. The first duty of government is therefore to cause the Citizens to enjoy both peacefully, and the observation of the laws themselves is so strictly required only because the law is nothing but a declaration of the public will, and it could not be broken without attacking freedom. Since the Public is nothing other than the composite of private individuals, its rights are based only on theirs.

15

When all the parts of the state contribute to its solidity, when all its forces are ready to join together to defend it in case of need, and when private individuals only think about their own preservation to the degree that it is useful to that of the state, then its body is as secure as it can be, and resists foreign impulses with its total mass. But when the commonwealth is badly arranged, when its weight is not directed along the line of orientation and its forces—divided and antagonistic—are mutually destructive, the slightest effort suffices to overthrow this entire equilibrium and the state is destroyed as soon as it is attacked.

16

Let us consider that the heart of the Citizens is the best protection of the State; that it will always be well defended if it is otherwise well governed; that this part of administration is so closely linked to all the others that a good government needs neither troops nor allies, and that a bad one becomes still worse by relying on such means of support.

17

Since I am to discuss government and not sovereignty, since I am furthermore to limit myself to general rules that can apply to everything, I began by assuming good Laws, Laws that were not dictated by any private interest and that consequently are the work of the body of the nation. I asked that they be precisely observed and that leaders, in their own interest, be no less subjected to them than the people. I showed that this could only be achieved with good morals and love of the fatherland; I discussed the ways to obtain both. I believe I can now conclude that since all these rules are feasible and sufficient because love of the fatherland makes up for any lacks, it is not impossible to govern a free people happily and wisely by them, without needing to imagine for the purpose a species of men more perfect than ours, even if it is argued that the Romans and Spartans were of a different nature than us. This is all I had to say about the part of public Economy that concerns the administration of people. It remains for me to discuss the administration of goods.

18

It is surprising that among so many tangible differences Aristotle observed only one of them which is not even universal. That is that the Republic is governed by several leaders instead of which the family always has only one.

19

The large society cannot be established on the model of the family because, being composed of a multitude of families which do not have any common rule before the association, their example cannot furnish one for the state. On the contrary, if it is well governed, the state ought to give the common rules in all families and provide in a uniform manner for the authority of the father, the obedience of servants, and the education of children.

20

In States where morals are worth more than Laws—as was the Republic of Rome—the authority of the Father cannot be too absolute, but everywhere where—as at Sparta—the laws are the source of morals, private authority must be so subordinated to the public authority that the Republic commands in preference to the father even in the family. This maxim appears indisputable to me even though it provides a conclusion opposite to the one in the *Spirit of the Laws*.[10]

21

It is equally dangerous for the Sovereign to encroach on the functions of the magistracy or for the Magistrate to encroach on those of sovereignty.

22

It ought to be one of the foremost laws of the state that the same person cannot occupy several offices at the same time, either so that a greater number of citizens might have a share in the government, or so as not to allow any of them more power than the legislator wanted.

23

Here is why the authority of magistrates which at first extended only over men, was soon an established right over possessions, and here is how the title of leader of the nation finally became changed into that of sovereign of the territory.[11]

24

The power of a people serves more to show that it is in a condition to extend itself or to maintain itself as it is than to prove that in fact it is good.

25

As for that vulgar reason that one must not stop occupying members of the people so as to distract their imagination from things concerning the government, if one wants them to be well-behaved and tranquil, it is contradicted by experience: for England has never been as tranquil as it is today, and private individuals have never been so occupied, so conversant with the business of the Nation. On the contrary look at the frequency of revolutions in the Orient, where the business of the Government is always an impenetrable mystery for the people.

It is extremely apparent that all those barbarous and sophistic maxims have been introduced by unfaithful and corrupt ministers who had a great interest that their prevarications not be exposed to [broad daylight].[12]

26

If there is some sovereign who behaves in accordance with contrary maxims, he is a Tyrant. And if there is some subject capable of inspiring his sovereign with such maxims: he is a Traitor.

27

Many have honored probity and rewarded virtue, but the character of the monarch and the spirit of monarchy are two different things. Listen to the Pit well up and murmur at the denouement of *Tartuffe*;[13] this terrible murmur which ought to make Kings shudder will explain to you what I want to say only too well.[14]

28

Jesus Christ whose reign is not of this world never dreamed of giving an inch of ground to anyone whatsoever and did not possess any himself, but, after having appropriated Caesar's territory for himself, his humble vicar divided up the empire of the world among the servants of God.

29

. . . the wisdom of the government, the activity of the Laws, the integrity of the leaders, the confidence of the people, the harmony of all the social orders and above all the general desire for the public good . . .

IV [On Laws]

1

Going back to the origin of political right, one finds that before there were leaders, there necessarily were laws. At least one law was necessary to establish the public confederation; a second, to establish the form of government; and these two suppose several intermediary ones, of which the most solemn and sacred was that by which everyone engaged himself to observe all the other laws. If laws exist before government, they are therefore independent of it; the government itself depends on laws since it is from them alone that it derives its authority; and far from being their author or master, it is only their guarantor, administrator, and at most, interpreter.

2

It is these capitulations that make up the right and security of sovereigns, and no one is obliged to obey the magistrates except by virtue of the fundamental Laws of the state, Laws which the magistrates themselves are obliged to obey.

3

In every oath that a minister or any other officer whatsoever gives to his prince this clause ought always to be understood: aside from the laws of the State and the safety of the People.

4

What is it that makes laws so sacred, even independently of their authority, and so preferable to simple acts of will? It is first that they emanate from a general will that is always right with respect to private individuals. It is further that they are permanent, and that their duration proclaims to everyone the wisdom and equity that dictated them.

5

One is free although subjected to laws, and not when one obeys a man, because in the latter case I obey the will of another, but when I obey the law, I only obey the public will which is mine as much as anyone else's. Besides a master can allow one person to do what he forbids another to do, whereas the law, by making no exceptions to the condition of all, is equal and consequently there is neither master nor servant.

6

On Laws

The only study suited to a good People is that of its Laws. They must meditate on them constantly to love them, to observe them, even to correct them with the precautions that a subject of that importance requires, when the need for it is very pressing and well warranted. Any State where there are more Laws than the memory of each Citizen can retain is a badly constituted State, and any man who does not know by heart the laws of his country is a bad Citizen. For this reason, Lycurgus wanted to write only in the hearts of the Spartans.

7

If someone asks me which is the most vicious of all Peoples, I would answer without hesitation that it is the one that has the most Laws. The will to do what is good can take the place of everything, and one who knows how to listen to the law of his conscience hardly needs any others, but a multitude of Laws indicates two equally dangerous things that are almost always found together, namely, that the Laws are bad and that they have no vigor. If the Law were clear enough, it would not constantly need new interpretations, nor new modification if it were wise enough. And if it was loved and respected, one would not see those disastrous and odious disputes between the Citizens who want to elude it and the sovereign who wants to maintain it. The appalling multitudes of Edicts and declarations that emanate daily from certain courts merely teach everyone that the People scorns the will of its sovereign with good reason, and incite it to scorn the sovereign even more since he himself doesn't know what he wants. The first precept of the Law should be to make all the others beloved: but neither sword nor fire nor the whip of court Pedants can make that precept observed, and yet without it all the others amount to very little, for it is useless to preach to anyone who has no desire to act rightly.

Applying these Principles to all our Laws, it will be easy for us to determine the degree of esteem owed to those who drafted them and to those for whom they were made. For example, the first reflection that comes to mind in examining the weighty compilation of Justinian is that this immense work was made for a great People—that is, for men incapable of loving their laws, and consequently of observing and even knowing them. So that by wanting to foresee everything, Justinian produced a useless work.

8

Whether one's attention is directed to the enormous multitude of these Laws or to the perpetual discussions of interest on which they turn almost exclusively, or to the various interpretations of which it seems they were carefully made susceptible, the greed that dictated them is easily seen. I do not need Procopius to inform me that Trebonian and Theodora sold them to the highest bidder. Procopius may have been a slanderer, but the Laws themselves and the morals of the Court where they were compiled provide a stronger testimony than his.[15]

9

A Lacedaemonian, questioned by a foreigner about the penalty inflicted by Lycurgus on parricides, replied that they were required to herd an ox that could drink from the Eurotas while standing on the summit of Mount Taygetus. How is it possible to find such an ox, cried the foreigner. More easily than a parricide in Sparta, the Lacedaemonian replied. Terror can restrain scoundrels, but the corruption of a people never begins with big crimes, and it is to prevent these beginnings that all the force of the Laws must be used.

That is the principle on which one must judge what the laws can do not only to frighten vice but also to encourage virtue. I know that the first reward of good actions is the pleasure of having done them, but men do not know this pleasure until after tasting it, and they must have more palpable motives to give them the first habit of acting rightly. These motives are rewards that are well chosen and even better distributed—without which far from honoring virtue, they only excite hypocrisy and nourish greed. This choice and this distribution are the masterpiece of the Legislator.

A bad tutor knows only how to give whippings; a bad minister knows only how to hang people or put them in prison. Thus our political thinkers, who think only the little things they do are feasible, will be far from adopting these maxims, and that is all the better for us, for if they accepted the utility of rewards, they would think only of money, pensions, gratuities. They would quickly establish new taxes of which they would hand out a few small amounts to those bands of slaves and rascals who surround them and would pocket the rest. That is all the benefit the people would derive from it.

10

A modern author who knows how to teach by the things he says and by those he makes one think, teaches us that *everything the law proposes as a reward becomes one in fact*.[16] It was no harder, therefore, for Legislators to stimulate good actions than to prevent bad ones. However, almost all have limited themselves to assuring public prosecution of crime and to regulating discussions of interest between private individuals—two objects that should be of the least importance in the Legislation of a well-constituted State.

11

Laws that speak constantly of punishing and never of rewarding are more suited to restrain scoundrels than to train honorable men. As long as Laws only concern actions and say nothing to the will, they will always be badly observed, because however wisely they were conceived, bad intention always gives insights that are adequate for learning how to elude them.

12

Among the first Romans, something that cannot be admired enough is that the unique punishment provided by the Laws of the Twelve Tables against the greatest criminals was to be viewed with horror by everyone, *sacer estod*.[17] There is no better way to understand how virtuous that people was than by keeping in mind that public hate or esteem was a penalty or reward dispensed by Law.

13

So that in a wisely regulated State, the Law could say, like the priestess Theano: I am not the minister of the Gods in order to detest and curse, but to praise and bless.[18]

14

Ancient history is full of proofs of the attention paid by the People to the morals of private individuals, and that attention itself was its most palpable penalty or reward.

15

Bloodthirsty Legislators who, following Draco's example, know only how to menace and punish, resemble those bad tutors who bring up children only with a whip in their hand.

16

Laws and the practice of justice among us are only the art of sheltering the Nobles and the rich from the just reprisals of the poor.

17

They make the most of the full rigor of the laws to avenge all the wrongs done to them and elude the laws with ease in all those they do to others.

18

The laws having been so multiplied that no one can observe all of them, and an infinity of naturally innocent things having been forbidden to the people by the exclusive privileges that the powerful have attached to themselves, the little scruple that people have given themselves about breaking some laws has been extended to all the others; this is how sumptuary laws, modified by the variety of ranks, have fomented luxury instead of extinguishing it. That is how the one, who might have looked at theft only with horror, having made himself into a poacher without much scruple, then a smuggler, has ended with highway robbery.

19

A decent man will never renounce honor, the rascal will never do anything out of love of the law.

20

I dare to advance that the Laws against duels are the productions of ignorance and little intelligence. In order to want to remedy present abuses, those who have supported them have not known how to look farther and to see the mortal blow that they have brought against the legislative authority. It is a terrible thing to have obligated Peoples to put the law in opposition with honor and to choose between the two of them.

21

It is necessary to remark that when these barbarous prejudices were established, they did not have the same inconvenience as today because at that time the law of the Prince and that of honor spoke exactly the same language.

22

According to the Roman Laws estates left to unworthy People went to the public treasury. For today however greedy Princes might be, it is impossible for them to avail themselves of that Law, because in this happy time no one is found to be unworthy of inheriting any longer. *L.I. § de jure fisci*[19]

Economics p. 6.[20]

23

With regard to Peoples once they have been corrupted, it is very hard to see what could be done to make them better. I do not know what Laws could perform this miracle, but I do know very well that everything is irremediably lost once it is necessary to have recourse to the gallows and scaffold.

24 [About the Jews]

Whether in ancient times men, being closer to their origins, had nothing to do with distant places, or whether in those days traditions, being less widely spread, died and were promptly forgotten, one no longer sees as one formerly did peoples who boast of being autochthonous, aborigines, children of the land or country where they are established. The frequent revolutions of the human race have so completely transplanted and intermingled the nations that except, perhaps, in Africa, there is not one left on earth that can boast of having its origins in the country it possesses. In this confusion of the human species, so many different races have successively lived in the same places and succeeded or mixed with each other, that these races are no longer distinguishable, and the various names of peoples are no longer anything but those of the places where they live. If in some there remain traces of filiation in some of them, as among the Parsees and the Cimbrians, they are neither found any longer on their ancient territory nor can it be said that they still constitute a national body.

But it is an amazing and truly unique spectacle to see an expatriate

people, without either location or land for nearly two thousand years; a people that has been modified, oppressed, and mingled with foreigners for even longer; perhaps without a single offspring of the first races; a scattered people, dispersed over the earth, subjected, persecuted, scorned by all nations, and yet preserving its customs, its laws, its morals, its patriotic love, and its initial social union when all its links appear broken. The Jews give us this amazing spectacle. The laws of Solon, of Numa, of Lycurgus are dead; those of Moses, far more ancient, are still alive. Athens, Sparta, Rome have perished and have no longer left any children on the earth. Zion, destroyed, did not lose hers; they are preserved, they multiply, spread throughout the world, and always recognize each other. They mingle among all peoples and never become confounded with them. They no longer have leaders, and are still a people; they no longer have a fatherland, and are still citizens.

How strong must a legislation be to be capable of producing such marvels; capable of facing conquests, dispersions, revolutions, centuries; capable of surviving the customs, laws, dominion of all nations; which promises, finally, through the trials it has sustained, to sustain them all, to conquer the vicissitudes of human things and to last as long as the world?

Of all the systems of legislation we know, some are products of reason whose very possibility is a matter of dispute; others lasted only for a few centuries; others never produced a well-constituted state; none except that one sustained all trials and always resisted. Jew and Christian agree in acknowledging in this the hand of God, who according to the one maintains His nation, and according to the other punishes it. But all men, whoever they may be, ought to acknowledge it to be a unique marvel, the divine or human causes of which certainly deserve the study and admiration of wise men in preference to all that Greece and Rome offer that is admirable in political institutions and human establishments.

25

I made a people, and could not make men.

26

What are you doing among us, O Hebrew. It gives me pleasure to see you here, but how can you enjoy being here, you who scorned us so; why didn't you stay among your own people?

You are mistaken. I come among my own kind. I lived alone on earth; in the bosom of a numerous people, I was alone. Lycurgus, Solon, Numa are my brothers. I come to rejoin my family. I come to taste at last the sweetness of conversing with my fellows, of talking and being under-

stood. It is in your midst, illustrious souls, that I come at last to find my pleasure.

You have greatly changed your tone, sentiments, and ideas . . .

V [On Honor and Virtue]

I

In all countries where Luxury and corruption do not prevail, public testimony of a man's virtue is the sweetest prize he can receive for it, and all good actions need only to be publicly proclaimed as such for their reward. This truth flows from the principles I have just established, and to humanity's honor, experience itself confirms it. What was the motive of the Lacedaemonians' virtue if not to be considered virtuous? What was it that after having led these victors to the Capitol, brought them back to their plough? There lies a source of interest more secure and less dangerous than Treasures, for the glory of acting rightly is not subject to the same disadvantages as that of being rich, and gives a much keener satisfaction to those who have learned to savor it. What is needed, then, to incite men to virtue? Teaching them to find it beautiful and to esteem those who practice it. A very considerable advantage for a State so constituted is that the ill-intentioned have no power in it to carry out their evil projects, and vice cannot make any sort of fortune.

I do not lose hope of someday hearing a modern Philosopher say the same of those brilliant nations where along with riches, there prevails the insatiable ardor to increase them.

I feel I must explain my thinking a little or else few Readers will agree with me. For it is a matter of convincing all those who swear only by Mammon.

It is one of the peculiarities of the human heart that despite the tendency all men have to judge themselves favorably, there are some points on which they consider themselves even more despicable than they actually are. Such is self-interest, which they regard as their dominant passion, although they have another one that is stronger, more general, and easier to rectify, and which makes use of self-interest only as a means to achieve satisfaction. It is the love of distinctions. One does everything to become rich, but it is in order to be esteemed that one wants to be rich. This is proved by the fact that instead of stopping at that moderate wealth that constitutes well-being, each wants to arrive at that degree of wealth that attracts all eyes, but that increases cares and troubles and becomes nearly as burdensome as poverty itself. It is also proved by the ridiculous use to which the Rich put their goods. It is not they who enjoy their lavish

expenses, which are made only to attract the glances and admiration of others. It is quite evident that the desire to distinguish oneself is the sole source of the luxury of magnificence, because as for that of softness, there are only a few voluptuaries who know how to savor it and confer on it the sweetness and all the simplicity of which it is susceptible. Thus, on the basis of the same principle, families work continually to become rich and to be ruined alternately. It is like Sisyphus who sweats blood and tears pushing to the mountaintop the rock he will let roll down the following moment.

2

The problem is to stimulate the desire and to facilitate the means of attracting through virtue the same admiration that today is attracted only through wealth.

3

It is therefore certain that it is less within ourselves than in the opinion of others that we seek our own felicity. All our labors lead only to make us appear happy. We do almost nothing to be so in fact, and if for a moment the best among us stopped feeling they were being watched, neither their happiness nor their virtue would exist any longer. O Athenians, said Alexander, what hardships I endure to be praised by you. He wanted to be admired for his valor, another for his power, another for his wealth, another for his goodness. All want to be admired. That is the secret and final goal of the actions of men. Only the means differ. Now it is the choice of these means that rests on the skill of the legislator. The peoples see the end point well enough, but his job is to indicate the routes. I must admit that riches are always the first way that comes to mind. For apart from the esteem they attract, it is they, furthermore, that procure the comforts of living, but accompanied by all the evils that the life of self-interest brings daily to morals, the State, and the citizens. The problem, then, is to arrange things so that none of the comforts of living are to be gained by being rich, and that esteem is lost thereby. This is what the laws in Lacedaemonia and the morals among the early Romans did admirably, from which I conclude that it is not at all impossible to do.

4

Self-interest corrupts the best actions. He who does good only for money only waits to be better paid to do what is bad. As much as virtue, honor, even honors and praise, raise up the heart, pecuniary rewards de-

base it; so it is that men of courage disdain them. At the last siege of Lille, M. de Boufflers[21] who was in command wanted to have certain installations of the attackers reconnoitered, and proposed this mission to soldiers who would volunteer along with a twenty-five louis reward to the one who would succeed. A single grenadier, whose name I am very angry not to know, presented himself, received his instructions, departed, and in the midst of terrible firing carried out the observation with the intelligence and composure of the brave and sensible man he was. He was not injured, and having returned to report on what he had seen, the field marshal, filled with admiration, had fifty louis instead of twenty-five counted out for him. "General," the grenadier said to him, "take back your fifty louis. Such things aren't done for money." I say that it is for this soldier and for generous men who resemble him that rewards must be thought out; and it is meaningless for the prince to give them unless the Law itself has provided for them and they are given a legal form that can ensure confidence and prevent abuse.

5

All other things being equal, if it is more useful to do one's duty than not to do it, well and good. But if he who sells himself to do his duty has only to sell himself for a higher price to violate it, the calculation is very simple: he will profit more and even take from both sides.

You pay a governor to guard a fortress, but someone else pays him more to surrender it. Do you imagine that this man doesn't know how to count, and don't you see that with the money the enemy gives him, he buys at your court the honor of being rewarded for his faithfulness, whereas if he had stupidly remained faithful, he was a lost man. He has too much honor not to be a rogue; he is too good a citizen not to be traitor. If he loves glory even a little, he would have to be mad not to be a traitor. Great Minister, or illustrious Monarch, transcendent intellect that you are, I defy you to find a good remedy for this. You will hang him. Poor man. You've already been told once that men with 100,000 crowns don't get hanged. For after all, how could you know that this man is guilty when someone proves to you that he is innocent. What, you are in favor of being harsh? Without real proof? So much the better for rascals. If there is an honest man left who bothers them, he will soon be hanged.

6

Whether a natural inclination brought men to unite in society or whether they were forced to do so by their mutual needs, it is certain that

their virtues and their vices, and in some way all their moral being arose from this interchange. Where there is no society, there can be neither Justice, nor clemency, nor humanity, nor generosity, nor modesty, nor above all the merit of all these virtues, by which I mean the cost of practising them among beings who are filled with all the opposite vices. Morally speaking, is society in itself, then a good or a bad thing? The answer depends on the comparison of the good and bad that results from it, on the weighing of the vices and virtues it has engendered in those who compose it. From this point of view, the question is all too easy to resolve, and it would be preferable to pull the curtain on all human actions forever rather than to unveil before our eyes the odious and dangerous spectacle it presents. But looking more closely, one soon sees that the solution to this problem involves other elements which philosophy should take into account and which greatly modify such a sad conclusion. And the virtue of a single good man ennobles the human race more than all the crimes of the wicked can degrade it.

7

I am surprised that amid all the peculiar discoveries that have recently been made, nobody has yet thought to remark that Philosophy was born at the Court of Kings. It seems to me that this Paradox is equaled by another. In the first times of the world, men—still crude—thought that in order to have the right to command others, it was necessary to surpass them in wisdom; and following the idea, Princes were not only Judges of the equitable and the good, but also of the beautiful and the true.

8

It will always be great and difficult to subject the most cherished affections of nature to the fatherland and to virtue.

9

After he absolved, or refused to condemn his son, how could Brutus have dared to face condemning another Citizen? O consul, this criminal would have said, did I do something worse than selling my fatherland, and am I not your son too?

10

I am annoyed by the jokes St. Augustine dared to make about this great and beautiful act of virtue. The Church Fathers were unable to see all the harm they did to their cause by thus tarnishing all the greatest

things that courage and honor had produced. By dint of wanting to elevate the sublimity of Christianity, they taught Christians to be cowardly men without . . .

11

Show me today a single judge capable of sacrificing the life of his children to the fatherland and the laws. A few women will perhaps die for that apparent honor which consists in the opinion of others, but show me one capable of dying for that genuine honor which consists in purity of actions.

12

For one Author who teaches them to scorn life there are a hundred who teach them to sacrifice everything to preserve it.

13

A single man of probity is capable of keeping in awe the whole street on which he lives; vice is always ashamed to unmask itself to the eyes of virtue.

14

The soul takes fire, the mind raises itself up while speaking about virtue. Even the most perverse sometimes feel its divine transports, and there is no man so wicked who does not feel in his heart some sparks of that celestial fire, and who is not capable of heroic feelings and actions at least one time in his life.

15

For that unbridled and dissolute men all at once submitted to the harshest and most severe public order that ever existed is a miracle that could only happen from a sudden enthusiasm of morals and virtue diffused among a whole people.

16

On Honor

The Church fathers claimed to have much scorn for the virtues of the ancient Pagans which—according to them—had no principle other than vainglory. Nevertheless, I believe they might have been extremely perplexed to prove such a reckless assertion solidly. For what would they

have found in the behavior of Socrates, Phocion, Anaxagoras, Aristides, Cato, Fabricius, or in the Writings of Plato, Seneca, and Marcus Antoninus that might give the slightest hold for that accusation? Probably they would have kept from calumniating the Pagans with so much bitterness at that time if they had foreseen that someone would be in a position to return against the Christians themselves with justice the reproach they make against the wisdom of paganism.

VI [On Public Happiness]

1

In the midst of so much industry, arts, luxury, and magnificence, we daily deplore human miseries, and we find the burden of our existence rather hard to bear with all the ills that weigh it down. In contrast, there is perhaps no naked savage in the woods, scratched by brambles, paying for each meal he gets with his sweat or his blood, who is not content with his fate, who does not find it extremely sweet to be alive, and who does not enjoy each day of his life with as much pleasure as though the same toil did not await him the following day. Our greatest ills come from the efforts made to remedy the smallest ones.

2

Let us begin by removing what is equivocal in the terms. The best Government is not always the strongest. Force is only a means; its end is the happiness of the people. But the meaning of this word happiness, rather indeterminate for individuals, is even more so for peoples; and the diversity of the political maxims that are proposed arises from the diversity of the ideas concerning it. Let us try, therefore, to hypothesize the idea of a happy people, and then we shall establish rules on the basis of this idea.

3

You ask, Sirs, what people has ever been the happiest. I am not learned enough to resolve this question factually, but I shall try to establish reliable principles for resolving it. If I succeed, I could believe that I have joined in your views and that I have not strayed from the goal.

Where is the happy man, if he exists? Who knows? Happiness is not pleasure. It does not consist of a fleeting modification of the soul, but of a permanent and completely internal feeling which no one except the one who experiences it can judge. Therefore, no one can decide with certainty that another is happy, nor consequently establish reliable signs of the hap-

piness of individuals. But the same is not true of political societies. Their goods and their evils are all apparent and visible; their internal feeling is a public feeling. The common man is mistaken about it, no doubt, but about what is he not mistaken? For any eye that knows how to see, societies are what they appear to be, and it is possible, without temerity, to judge their moral being.

What causes human misery is the contradiction between our condition and our desires, between our duties and our inclinations, between nature and social institutions, between the man and the citizen. Make man united and you will make him as happy as he can be. Give him entirely to the state or leave him entirely to himself; but if you divide his heart, you tear him to pieces. And don't imagine that the state can be happy when all its members are suffering. That moral being that you call the public happiness is in itself a chimera. If the feeling of well-being exists in no one, it is nothing, and the family isn't flourishing when the children don't thrive.

Make men consistent with themselves, being what they want to appear and appearing what they are. You will have placed the social law at the bottom of their hearts. Civil men by their nature and Citizens by their inclinations, they will be united, they will be good, they will be happy, and their felicity will be the Republic's. For being nothing except through it, they will be nothing except for it. It will have everything they have, and will be everything they are. To the force of constraint, you will have added that of the will; to the public treasure, you will have joined the goods of private individuals. The republic will be everything it can be when it includes everything. When the family points to its children, it will say that is what makes me flourish. In any other system, there will always be something in the state that doesn't belong to the state, if only the will of its members, and who can ignore the influence of this will on its affairs? When no one wants to be happy except for himself, there is no happiness for the fatherland.

4

and above all let us not forget that the public good ought to be the good of all in something or it is a word void of meaning.

5

The moral condition of a people results less from the absolute condition of its members than from the relations among them.

6

In order to conceive distinctly how a people can be happy, let us begin by considering the condition of those who are not. By seeking what they lack for being so we will be able to find out what the one that is so must have.

7

. . . public happiness, it would not even be enough to count the votes and the well-being of nations which depends on so many things is not estimated as easily as that of private individuals. Thus it is a question of discerning among many appearances that can make an impression about the felicity of a people the true signs that characterize it.

8

If, to start by correctly establishing the proposition in dispute, I could determine exactly what the true prosperity of the State consists of in any sort of government, and what the most infallible signs are for asserting that a given Nation is happy and flourishing, the question would be nearly resolved by the definition itself. But since this definition depends on a multitude of particular maxims that can be established only by dint of discussion and by gradually moving into the subject, I shall be constrained for the moment to limit myself to one idea which is very general, but to which I do not believe any reasonable man can refuse his approval.

I say, therefore, that the happiest nation is the one that can most easily do without all the others, and the most flourishing is the one others can least do without.

If I had collectively derived the idea of the happiness of the state from that of the private happiness of each citizen who composes it, I could have said something more palpable to many readers. But apart from never being able to conclude anything from these metaphysical notions that are dependent on the way of thinking, the mood, and the character of each individual, I would have given a very incorrect definition. A state could be very well constituted, in a way suited to make it flourish and prosper forever, yet its Citizens, each occupied with is private views, might not be at all content with it. When Lycurgus established his laws, he had to endure a thousand protests and even ill-treatment by the Lacedaemonians, and he was even constrained to resort to deceit and to go and finish his life away from his fatherland in order to obligate his fellow citizens to preserve a founding that made them the most illustrious and respected people that ever existed on the earth. Didn't the Romans complain con-

stantly about a government with which they became the masters of the world; and at present isn't the best governed nation precisely the one that protests most? There is no government that can force the Citizens to live happily; the best is one that puts them in a condition to be happy if they are reasonable. And this happiness will never belong to the multitude.

Public administration should not be modified according to the situation that is best suited to the inclinations or whims of each private individual; in order to be good, it must be established on more general rules. In any government whatever, a wise administration can mold public morals through education and custom and guide the inclinations of private individuals in such a way that in general they find they are more content with the government they live under than they would be with any other, whether better or worse. For although men always complain, perhaps in some other situation they would complain even more. The prosperity of the State must not be judged, therefore, either by the Citizens' feeling of their happiness, or consequently, by their happiness itself.

Moreover, it can be said that the general condition of the Nation most favorable to the happiness of private individuals is for it to have no need of the cooperation of any other people in order to live happily. For then all there is for them to do to enjoy all possible felicity is to provide for everything that is mutually advantageous through wise laws, something that would not depend so completely on themselves if it were absolutely necessary to have recourse to foreigners. And if along with this, other Peoples need the one who needs no one, it is impossible to imagine a situation more suited to making the members of such a society as happy as men can be.

I might also have said that the happiest Nation is the one that has the most money, or the one that carries on the most commerce, or that is the most ingenious in the arts; and this would have been the most unanimous sentiment. But if these definitions are correct, the one I gave should be a necessary consequence, for if money makes rich men happy, it is less by its immediate possession than because it enables them first to provide for their needs and to accomplish their will in all things without ever being dependent on anyone; then to have command over others and keep them dependent. Now those are precisely the ideas from which I composed that of a happy, flourishing nation.

With regard to commerce and the Arts, since their principal object is to bring about an abundant, circulating supply of money with which as much as one wants of both can be obtained, and since we continue to suppose that the definition is correct, it too coincides with mine.

After showing that my definition includes all the others and that con-

sequently it is the most general, it remains for me to show that it is also the most correct and the one that best conforms to the ideas we have of happiness and prosperity.

Our needs are of two kinds, namely the physical needs necessary to our preservation and those that have to do with comforts, pleasures, magnificence, and whose objects generally bear the name luxury. The latter become literally genuine needs when a long period of use makes us contract the habit of enjoying them, and when our constitution has, so to speak, acquired this habit. Thus a woman from town who was exposed for two hours during the blazing heat of Summer out in the country without a parasol would almost inevitably get sunstroke and perhaps a mortal sickness, whereas a Peasant woman would not get sick from it. A townsman cannot do without a horse to get to his land, a trip that his farmer makes every day on foot. And a given courtier, accustomed to the comfort of a post-chaise, could not make the same trip on horseback without getting sick. Thus everything, even poisons, can become a Physical need through habit, like opium among the Turks and realgar among the Chinese.

9

But when one has a people to make happy oneself should one write books to teach sovereigns to bring about the happiness of peoples? Kings, instruct by example.

10

Do the same things with motives that are more just. You ought to keep watch over the safety of your subjects, defend them and their goods against violence and oppression: but that is still only half of your task, you even ought to make them happy. And that is the perfection of the sovereign's duties.

VII [Luxury, Commerce, and the Arts]

If men could know how much more dangerous it is for them to be mistaken than it is useful for them to know, they would receive the lessons of philosophers less eagerly. And Philosophers would be more circumspect about giving them if they felt that a single bad reasoning takes away more reputation than the discovery of a hundred truths can acquire for them. The best use that can be made of Philosophy is employing it to destroy the evils it has caused, even if it is necessary to destroy the good, if there is any, at the same time. For in whatever is added to the simple insights of reason and the pure sentiments of nature, it is still better to remove the

good than to leave the bad. For the benefit of society, Philosophers would have to distribute their works in such a way that after many Books and disputes, they are reciprocally refuted and the whole is nullified. It is true that we would then know nothing, but we would admit it in good faith, and in the search for truth we would really have gained all the distance that must be covered going back from error to ignorance. To contribute to this healthy goal, I will try to examine some questions about Politics and morality that have been stirred up and resolved by several modern Writers and are related to subjects on which I have been obliged to meditate. I also hope in this way to develop certain Theorems that I advanced without proof, for fear of digressing, in other works. But since in all this, I plan to attack errors rather than to establish new truths, I admit in good faith that when my adversaries' works no longer survive, my own will be perfectly useless. Without wishing to be the guide of my contemporaries, I am content to warn them when I see one who is leading them astray, and I wouldn't need to tire them with my advice if no one meddled with leading them.

The question I propose to examine here concerns luxury, commerce, and the arts; not exactly in relation to morals, as I have viewed it previously, but from a new point of view and in relation to the prosperity of the State.

All the ancients considered Luxury as a sign of the corruption of morals and of the weakness of the government. Sumptuary Laws are nearly as old as political societies. The Egyptians had them; the Hebrews received them from their legislator. They can even be found among the Persians, and as for the Greeks, their profound contempt for Asian ostentation was the best sumptuary law they could have had.

This contempt was even more palpable among the Romans. The Luxury and magnificence of other nations were true objects of derision for them, and the use they made of them in their triumphs was far better suited to ridicule all the vain pomp of the vanquished Peoples than to give the victors a desire to imitate them.

It was natural for commerce to be affected by the contempt for luxury. The Romans disdained it; the Greeks allowed Foreigners to carry it on among them; mechanical arts were practiced almost exclusively by Slaves, and the liberal arts themselves required very superior talent in those who practised them in order to achieve some esteem, and even then they never obtained any in Rome during the entire period of the Republic. In short, in countries where money was held in contempt, it was hardly possible for all the means of earning it to be anything other than somewhat ignominious.

When these Peoples began to degenerate, when vanity and love of pleasure succeeded love of fatherland and virtue, then vice and softness made their way everywhere, and the only problem was Luxury and the money to provide for it. Private individuals became rich, commerce and the arts flourished, and the State soon perished.

However, during the times of greatest depravity, the Philosophers and politicians did not cease crying out against all these disorders of which they foresaw the consequences. No one contradicted them and no one reformed. People agreed that their reasons were good, and then behaved in such a way as to make them still better. The public speakers themselves seemed to point out the faults of the Peoples only to make their own more inexcusable. They publicly blamed vices of which they would have set the example if someone else hadn't done so first.

Thus abandoning themselves to a behavior contradictory to their own maxims, men did not cease to pay homage to the truth. Thus all nations have agreed in all eras about condemning luxury, even while yielding to it; yet throughout such a long succession of centuries, no Philosopher has thought of contradicting public opinion about it.

I do not pretend to take advantage of this universal consensus for the side I am going to support. I know that Philosophy, in adopting the proofs of the Philosophers, does very well without their testimony, and that reason has nothing to do with authorities. But since I have learned through experience the damage that demonstrated propositions can suffer from being called Paradoxes, I am relieved to remove this resource in advance from those who have none other to argue against what I am about to prove. I warn them, therefore, that it is the opinion I attack that should be called a paradox, as unheard of to this day as it is ridiculous and pernicious; and that by refuting this soft and effeminate Philosophy whose convenient maxims have won it so many supporters among us, I only add my voice to the cry of all nations, and plead the cause of common sense as well as that of society.

Finally, after so many centuries, two men trying to make themselves famous by peculiar opinions that might flatter the taste of their century, have recently taken it into their heads to upset all the economic maxims of the ancient political thinkers, and of substituting for them an entirely new system of government, so brilliant that it was very difficult not to be seduced by it, not to mention that it was very advantageous to private interest. It was another means to succeed in a century when no one cares any longer about the public good, and when this term—ridiculously profaned—no longer serves as anything but an excuse for Tyrants and a pretext for rogues.[22]

2

In order to reason soundly about the question at hand, I would like first to present a clear and reliable principle that no one can reasonably deny and that served as a basis for all my research. Without this, having only vague ideas that each person forms according to his fancy and his private inclinations rather than definitions, we would not know very well what the words happiness and prosperity should mean with regard to a people.

Before discussing the means of making a people happy and flourishing, let us therefore try to determine precisely what the glory and felicity of a people really is, or by what reliable signs it is possible to recognize that a people is in that state.

I feel sure that this question will not appear very perplexing to most modern political thinkers. For one will tell me without hesitation that the happiest nation is the one where all the arts are the best cultivated; another, the one where commerce is most flourishing; another, the one where there is the most money; and the majority will be for the one which combines all these advantages to the highest degree. Let us first examine whether these definitions are correct.

First, as for commerce and the arts, it is absolutely obvious that even in the system I am attacking, these things are the means used to work for the prosperity of the state rather than the essence of its prosperity. For I do not believe that in order to demonstrate the happiness of a nation, any man ever took it into his head to suggest as a proof that it is composed of workers and merchants. And even if I were to agree that workers and merchants are necessary within it to supply the public needs, it would never follow from this that the nation was happy, since it can be shown, as I shall do in what follows, that commerce and the arts, in providing for some imaginary needs, introduce a far greater number of real ones.

I will perhaps be told that the object of the arts, manufacturing, and commerce is not so much the private comforts of the citizens as it is to enrich the State, either by the introduction of foreign money or by the circulation of the money that is already there. The conclusion that must be drawn from this is that the entire happiness of a people consists in being rich in currency, which I will now examine.

Gold and silver, being only the representative signs of the materials against which they are exchanged, have no absolute value in themselves, and not even the sovereign can give them one. For when the Prince orders, for example, that a silver coin of a given weight and stamped with a given design will be worth so many pounds or pennies, he sets a denomi-

nation for commerce, and nothing more. The crown is then worth exactly so many pounds, or the florin exactly so many pennies, but it is clear that the price of the penny or the pound, and consequently that of the florin or crown, will remain just as variable as before, and that it will continue to rise or fall in commerce not according to the will of the Prince, but due to entirely different causes. All the operations performed on money to fix its value are therefore only imaginary, or if they produce some real effect, it is solely on annual salaries, on pensions, and on all payments that are fixed only by the ideal denomination of Pounds, florins, or the like. So when the prince inflates the value of money, it is a fraud by which he fools his creditors, and when he deflates it, it is another fraud by which he fools his debtors. But since the price of all merchandise rises or falls in proportion to the alteration of the money, the same relationship always remains in commerce between the sign and the thing represented. What I say here about minted money should be understood to apply equally to the price of unminted gold or silver set by public Edict. This price is only what the rate of commerce makes it; and despite all the Edicts, it reflects the same variations according to whether business is good or bad.

Although money by itself has no real value, it assumes one by tacit convention in every country where it is used, and this value is true according to the combination of causes that serves to determine it. These causes can be reduced to three Principal ones, namely: 1. the abundance or scarcity of currency; 2. the abundance or scarcity of foodstuffs and other merchandise; 3. the degree of circulation, which depends on the quantity of exchanges, that is, on the vigor of commerce. According to how these three things are combined in a country, its money can rise to an exorbitant price or fall to almost nothing. From which it follows that a State can be in a situation where, with a very sizeable amount of money, it is nevertheless really very poor and wanting for necessities; and on the contrary it can be devoid of money and yet be very rich due to the abundance of all those things which other peoples are constrained to use their currency to acquire.

To this first observation must be added a second which is no less important and which flows from it through a remote consequence. It is that there are many distinctions to be made between the exclusive riches of a few private individuals and those that are common to a whole nation. Since the words poor and rich are relative, there are poor people only because there are rich ones, and that is true in more than one sense; but for the present I confine myself to the relationship between the two ideas. The name rich is given to a man who has more goods than the majority is accustomed to have, and that of poor not only to one who doesn't

have enough goods to live, but one who has less than others. There can occur such revolutions in society that the same man would be alternately rich and poor without having increased or diminished his fortune. The same can be said about nations taken individually and compared to one another. So it is that every people makes scarcely less effort, although a little more covertly, to undermine its neighbors' advantages than to work for its own. Humanity is thus sacrificed to the national interest by the body politic, just as it is daily sacrificed to the spirit of property by private individuals. Yet it is difficult to conceive how the poverty of one country can contribute to the welfare of the inhabitants of another.

Let us suppose that after long and hard efforts, a people accomplished its projects in this regard, that it ruined all its neighbors and accumulated for itself alone as much gold and silver as there is in the rest of the world; and let us see what will result from this public prosperity for the private felicity of the citizens. First, if these riches are distributed equally, it is certain that they could not remain in this state of equality or they will be virtually nonexistent for those who possess them. Because in everything beyond immediate necessity, it is only in proportion to differences in wealth that its advantages are felt. So that if, following this supposition, all these treasures were annihilated in a single night without any change in foodstuffs and other merchandise, this loss would be felt by no one, and it would scarcely be noticed the next day.

But it is too great a waste of time to stop at a supposition as chimerical as that of the equal distribution of riches. This equality cannot be conceded even hypothetically, because it is not in the nature of things; and I believe there is no sensible reader who has not already anticipated this thought himself.

From the moment the use of gold was known to men, they all made an effort to amass a great deal of it, and success must naturally have corresponded to the various degrees of industry and avidity of the competitors, that is to say, it is very unequal. This first inequality combined with the greed and talents that produced it must have increased further by its own force; for one of the vices of established societies is that the difficulty of acquisition always grows in proportion to needs, and it is the very superfluity of the rich that puts them in a position to despoil the poor of their necessities. It is an axiom of business as well as of physics that nothing produces nothing. Money is the genuine seed of money, and the first crown is infinitely harder to earn than the second million. Moreover, unscrupulous acts are never punished except when necessity renders them pardonable; they cost the honor and the life of the indigent and make the glory and fortune of the rich. A destitute man who, in order to have

bread, takes a crown from a hard-hearted man bursting with gold, is a scoundrel who is taken to the gallows, while honored citizens peacefully drink the blood of the artisan and farmer; while the monopolies of the merchant and the exactions of the tax-collector bear the name of useful talents, and secure for those who practice them the prince's favor and the public's esteem. In this way the wealth of an entire nation produces the opulence of a few private individuals to the detriment of the public, and the treasures of millionaires increase the misery of the citizens. For in this monstrous and forced inequality, it necessarily happens that the sensuality of the rich consumes in pleasures the people's substance, and barely sells it dry, black bread at the cost of its sweat and the price of servitude.

If to this is added the inevitable increase in the price of all things due to the abundance of currency and above all the scarcity of foodstuffs that must necessarily result from such a situation, as I shall prove later, it will be felt how easy it is to show that the richer a State is in money, the more poor people there must be and the more the poor must suffer in it.

Now since commerce and the arts in a nation are only a proof of needs, and since money is not a proof of genuine wealth, it follows that the combination of all these things is likewise not a proof of happiness.

To avoid other useless enumeration, a distinction must be made between the means used by private individuals to try to make themselves happy—each according to his character and inclinations—and those that the body of society can put to use for the same purpose. For as society can neither foresee nor satisfy the different desires of those who compose it, it does not take responsibility for this care but only for providing for the common defense and security and, with regard to subsistence, for enabling private individuals to provide for their needs by themselves. So that all the engagements the confederation can assume toward its members come down to two points: peace and plenty, provided that by the word peace is understood not only security which brings about external peace, morals which bring about internal peace, but also freedom, without which there is no true peace. For tyranny and slavery are manifestly a state of war, and it is easy to show that a slave who kills his master does not sin by doing so either against the natural law or even against the law of nations.

With regard to plenty, I do not mean by this a situation wherein a few private individuals abound in everything while all the rest of the people is constrained to have recourse to them to receive its subsistence at whatever price they wish to put on it; nor that other hypothetical and impossible condition, at least as a lasting one, wherein everyone would find at hand, without labor and without difficulty, everything to satisfy

his needs; but one wherein everything necessary to life is found within the country in such quantity that each can by his labor easily amass all he needs to maintain himself.

VIII [Economy and Finance]

1

From this maxim, if it is true, is logically deduced the following: in everything that depends on human industry, one should forbid with care any machine and any invention that can shorten labor, can spare manpower, and produce the same effect with less difficulty.

2

Reasoning very consistently, one would have to apply oneself to giving little lasting quality and solidity to the works of industry and to rendering them as perishable as possible, and to regard as true advantages fires, shipwrecks, and all other devastations which cause men's desolation.

3

If some way were found to make plowing easier and to spare the number of Oxen that are used for it, a diminution of the price for wheat and an increase for meat would necessarily result from this invention. It remains to be seen whether this industry would be as useful to the poor as it would be detrimental to the sick who have more need of broth than of bread.

4

In general it is necessary to observe that if multiplied manpower in the arts makes a great number of men subsist, at the same time it renders the subsistence of the whole people more difficult by means of the increase in price of foodstuffs that necessarily results from it.

5

I admit that money makes exchanges more convenient, but better to make exchanges hardly necessary, make each suffice for himself as much as he can.

6

It is the lack of iron which caused the Americans to neglect and then forget navigation.

7

Taxes are a sort of revenue which by its nature—melting in great part in the hands that collect it—impoverish the people without enriching the treasury and which consequently always do more harm than good.

8

After having drawn for a long time from the purse of the rich by loans and that of the poor by taxes, England will necessarily have to end by going bankrupt from the sole reason that it pays off its loans only by means of taxes.

IX [On Population]

1

In finishing this point I have only one more word to say. The whole general Economy relates to a final object which is the effect and the proof of a good administration; this object relative to the general good of the human species is the multiplication of the people, the inevitable consequence of its prosperity. Do you want to know if a State is well or badly governed, examine whether the number of its inhabitants is increasing or diminishing. All other things being equal, it is evident that the country which—due allowance being made—nourishes and preserves a greater number of inhabitants is the one in which they are the best off, and it is right to judge the efforts of the Shepherd by the increase of Flocks.[23]

2

Then the State will be as rich as possible because it will abound in the most precious merchandise, namely, men, and it will have the men that it does have entirely.

3

From this experience (that more men die in the large cities and that more of them are born in the country) one out of two things must be concluded: either that the inhabitants of the country multiply continuously so that notwithstanding all those the city ceaselessly absorbs the lands always remains equally populated, or that the abode of the country where there are the most births is more favorable to the population than that of the city where there are more deaths.

4

And what difference does it make to society if fewer of them perish by murders if the State kills them before their birth by making children onerous to their fathers.

5

Paris 1758

Deaths	19,202
Baptisms	19,148
Marriages	4,342
Foundlings	5,082

X [The Influence of Climates on Civilization]

1

In order to follow the history of the human race fruitfully, in order to judge well about the formation of peoples and about their revolutions, it is necessary to go back to the principles of the passions of men, to the general causes that make them act. Then, by applying these principles and these causes to the various circumstances in which these peoples have found themselves, one will know the reason for what they have done, and one will even know what they must have done in the occasions where the events are less known to us than the situations that preceded them. Without these researches, history is of no use for us, and the knowledge of facts—bereft of that of their causes—serves only to overburden the memory, without instruction for experience and without pleasure for reason.

Man cannot suffice for himself; his ever-recurring needs make it necessary for him to look outside of himself for means for providing for them. He always depends on things and often on his fellows. We feel this dependence more or less according to the extent and nature of our needs, and it is in these same needs—more or less great, more or less felt—that it is necessary to look for the principle of all human actions.

Our needs are of several sorts; the first are those that pertain to sustenance, and on which our preservation depends. They are such, that every man would perish if he ceased to be able to satisfy them: these are called physical needs, because they are given to us by nature and because nothing can free us from them. There are only two of this sort, namely: nourishment and sleep.

Other needs tend less to our preservation than to our well-being, and are not properly anything but appetites, but sometimes so violent that they torment more than true needs; nevertheless it is never an absolute necessity to provide for them, and everyone knows only too well that to live is not to live in well-being.

The needs of this second class have as their object the luxury of sensuality, of softness, the union of the sexes, and everything that flatters our senses.

A third order of needs, which, born after the others, does not fail to take precedence over all in the end, are those which come from opinion. Such are honors, reputation, rank, nobility, and everything that exists only in the esteem of men, but which by means of that esteem lead to real goods that one would not obtain at all without it.

All these various needs are linked to each other, but the first and the second made themselves felt to men only when the first are satisfied.[24] As long as one is occupied only with seeking to live, one hardly thinks about softness, still less about vanity: the love of glory hardly torments starving people.

Thus everything is reduced at first to subsistence, and from that man is attached to everything that surrounds him. He depends on everything, and he becomes what everything he depends on forces him to be. The climate, the soil, the air, the water, the products of the earth and the sea, form his temperament, his character, determine his tastes, his passions, his labors, his actions of every sort. If that is not exactly true of individuals, it is incontestably so of peoples; and, if men came out of the earth completely formed, in whatever place that might be, whoever knew well the condition of everything that surrounds them would be able to determine with certainty what they will become.

Thus before entering into the history of our species, it would be necessary to begin by examining its abode and all the variations that are found in it, for from that comes the first cause of all the revolutions of humankind. For lack of the time and knowledge necessary to enter into such great detail, I will limit myself here to the observations that are indispensable for understanding what I have to say in what follows.

Although, in a circumference of three thousand leagues, the earth might not be an immense sphere, it extends it so to speak by the variety of its climates, which, suitable for numerous qualities of plants and animals, divides it so to speak into so many worlds whose inhabitants, each circumscribed in its own, cannot pass from one to the other. Man alone and some domestic animals naturally subsist everywhere and can take on as many manners of living as the diversity of climates and their produc-

tions demands of them. Another diversity that multiplies and combines the preceding one is that of the seasons. Their succession, alternatively bring several climates into a single one, accustoms the men who live there to their various impressions, and renders them capable of passing into and living in all the countries whose temperature is felt in their own. If the ecliptic were confused with the equator, perhaps there would never have been an emigration of people, and each, for lack of being able to bear any climate other than the one in which it was born, would never have left it. To tilt the axis of the world with a finger or to say to man, "Cover the earth and be sociable," was the same thing for He who needs neither hand to act nor voice to speak.[25]

Under the equator, which the sun hardly moves away from, and where the days are always equal both to the nights and to each other, winter and summer—marked only by the alternation of sun and rain—barely cause any difference of temperature to be felt. But, the farther one moves away from the line, the most the difference of both the days and the seasons increases. Nights become longer and colder, winters longer and harsher to the extent that one draws near the poles. The heat does not diminish in the same proportion, or the earth would soon not have any more of it in order to produce. The summers are short but scorching in northern countries; there the wheat is sown and cut in the space of two months; also in this short space the nights are so cold that one ought to count as summer only the time when the sun is on the horizon, every twenty-four hours one alternately passes from winter to summer.

From these observations, it would follow that peoples of the hot climates, whose temperature hardly varies, would be less suited for emigrations than peoples from cold climates, who, up to a certain point, have two excesses at home. I know that the common opinion is, on the contrary, that the inhabitants of the North bear residence in hot countries less than these latter do residence in cold countries. Which of these two principles is better founded in reason is already seen: it will be seen in what follows which is more in conformity to history and the facts.

The qualities of the earth and its types of productions do not feel the various aspects of the sun less than the temperaments of men do, and the soil changes as much from one climate to the other as the natural disposition of its inhabitants. The earth, more rarefied and more porous in warm countries, requires less work and is more easily saturated with the salts that fertilize it. The plants it produces are more nourishing, the trees give better fruits in abundance. A single type can furnish man all his needs there: almost without labor and without difficulty, its natural fecundity is enough to nourish its inhabitants.

In cold countries, the sluggish and half-dead earth does not have enough strength to elaborate in vegetables the juices suitable for the nourishment of man: if it grows, it produces only grasses without flavor and trees without fruit which can furnish us nutriments only by intermediate ways, by nourishing the animals that serve us as nourishment.

A thousand variations on the earth, in the earth, determine the manners of being of its inhabitants and subject them to certain conditions. Generally mountaineers are shepherds by station, the inhabitants of woods hunters by station, those of the plains farmers by station.

The water, even the air can furnish nutriments to those to whom the earth refuses them; the inhabitants of sterile coasts are all fisherman and fish-eaters. There are, it is said, on the rocks of the Caucasus, men for whom falcons and eagles are the providers; and the sky, in certain places, gives condensed juices during the night which can serve as nourishment.

Finally, often the arid and sterile earth, without producing anything on its surface, does not fail to furnish sustenance to its inhabitants mediately, either by the exploitation of mines which are found in its bowels, or by the convenience of transportation which gives to those who inhabit it the means to go everywhere to make an exchange of their labors and their persons against the things they need.

If the entire earth was equally fertile, perhaps men might never have drawn near each other. But necessity, the mother of industry, forced them to make themselves useful to each other in order to be so for themselves. It is by means of these communications, at first forced, then voluntary, that their minds were developed, that they acquired talents, passions, vices, virtues, enlightenment, and they became everything they can be in good and in evil. Isolated man always stays the same, he makes progress only in society.

Other causes, in appearance more fortuitous, have cooperated in dispersing man unequally in some places, in bring them together in clusters in others, and in tightening or relaxing the bonds of peoples in accordance with the accidents which united them or separated them. Earthquakes, volcanoes, conflagrations, inundations, deluges, suddenly changing, along with the face of the earth, the course taken by human societies, have combined them in a new manner, and these combinations, whose first causes were physical and natural, have become, as the result of time, moral causes which change the condition of things, have produced wars, emigrations, conquests, in sum revolutions which fill up history and which people have made into the work of men without tracing back to what made them act this way. One must not doubt that these great accidents of nature were more frequent in the first times, before a more even population put the face of the earth in the fixed state in which the

art and the hand of men maintains it in our days, and that they still are frequent even today in desert countries where nothing reestablishes the equilibrium which accidents of nature have once broken.

2

One must not at all apply to all climates a precept made for only one climate. A certain soil requires only six days of labor, another does not have too much from the whole week. In general the warmer countries allow and demand more rest, cold countries have more robust men who are up to more labor and a more barren soil which requires it.[26]

XI [On the Fatherland]

1

The earth we inhabit is the mother and common nurse of men; it is the fatherland of the human race. Yet we are not attached to it by any particular feeling. If we could all be transported to another planet and live there more pleasantly, which of us would take it into his head to miss this one? The same is not true of the affection that links us to the country of our birth, to the fatherland properly so-called. This affection varies as greatly as do climates, governments, ways of life. Some, born in a good country, easily forget it and go to live in a worse one. Others, in the well-being of a foreign land, constantly miss their sad home and sigh at the memory of their sand and rocks. For the former, the fatherland is everywhere one is well-off; for the latter, one is well-off only in his fatherland. Where does this contradiction come from? Perhaps from using different terms to say the same thing, and because the word fatherland does not have the same meaning in both cases.

This idea, which had long before come into my mind in an obscure and confused way, was elucidated and developed by chance when I was least concerned with it. Reading Abbé du Bos's book on poetry and painting one day, I stumbled on the following passage, which held my attention: "We know peoples today whose character no longer conforms to that which writers of antiquity attributed to their predecessors. The Romans no longer resemble the ancient Romans, so famous for their military virtues."[27]

At these words, I stop reading and ask myself whether it is really true that today's Romans are the compatriots of those former times. Angrily, I imagine

Wealthy priests calmly trampling underfoot
The tombs of the Catos and the ashes of Aemilius.

I wonder what these two kinds of men on the same soil can have in common. I plunge into the meditation this subject arouses; the book slips out of my hands. These reflections arising in crowds and then vanishing with the same ease finally suggested to me that I should write down those I have been able to remember. It is this collection, formless and lacking order, that follows.

In order to understand how men can be compatriots, it is necessary to know what a fatherland is and by what kind of bonds they are linked to it. This research cannot be undertaken without going to the first relationships of man in general.

We are related to things by our appetites, to people by our affections, to both by habit. I see no other type of bond that can attach man to one place rather than another. Now his constitution is such that his appetites arise from his needs and produce his habits. In order for men to be preserved either as individuals or as a species, their natural appetites must be satisfied, and from the daily satisfaction of their appetites arise the habits suited to their preservation. It would follow from this that through an effect of love of themselves, all peoples—being equally attached to the objects of their appetites and habits, which are also the instruments of their preservation—ought to have the same attachment for the soil that nourishes them from birth and that alone offers these objects to their senses. And if there were some difference, it should be in proportion to the greater or lesser difficulty of attaining these same objects, and those who obtain necessities with more difficulty should have less love for the country that provides them, which is not what was said above. What one loves in his country, what one properly calls the fatherland, is therefore not what relates to our appetites and the habits that arise from them; it is not simply the place; it is not simply things. The object of this love is closer to ourselves.

2

If the citizens derive from it everything that can give value to their own existence—wise Laws, simple morals, necessities, peace, freedom, and the esteem of other peoples—their zeal for such a tender mother will be kindled. They will know no other true life than that which it provides, no true happiness except to use their life to serve it. And they will include among its benefits the honor of shedding their blood to defend it if necessary.

3

And according to the definition I have given of virtue, love of the fatherland necessarily leads to it, since we willingly want what is wanted by those we love.

4

Love of humanity gives many virtues, such as gentleness, equity, moderation, charity, indulgence; but it doesn't inspire courage, or firmness, etc., and does not give them the energy they receive from love of the fatherland, which raises them to heroism.

5

It appears from various details of Roman history and among others from that of Attilius Regulus,[28] that the Romans who fell into the hands of the enemy considered themselves to be stripped of the right of citizens, and naturalized, so to speak, among those who held them prisoner. But this absurd maxim was only in their opinions, and one sees nothing that corresponds to it in the conduct of those virtuous men. Even Regulus, who called himself a Carthaginian and refused to take his place in the Senate, spoke so strongly there against the interests of his new fatherland and against the instructions of his masters—that if he were truly obligated to be faithful to them and obey their orders, the most sublime of human actions would no longer be anything except the crime of a traitor, and the horrible torture imposed on him by the ferocious Carthaginians as punishment for his disobedience should be equitably approved.

XII [Parallel Between the Two Republics of Sparta and Rome]

1

I leave it to the admirers of modern history to seek,[29] to decide which of these two tableaux ought to agree with it best. As for myself who likes only to consider examples by which humanity teaches and honors itself, myself who can see among my contemporaries only insensitive masters and groaning peoples, wars that are not in anyone's interest and that lay waste the whole world; immense armies in periods of peace and without effect in periods of war, government ministers always occupied with doing nothing, mysterious treaties with no object, alliances negotiated for a long time and broken the next day, finally subjects all the more wretched the richer the State is, and all the more despised the more

powerful the Prince is, I draw the curtain over these objects of pain and desolation, and being unable to assuage our ills at least I avoid contemplating them.

But I take pleasure in turning my eyes toward those venerable images of antiquity where I see men raised up by sublime institutions to the highest degree of greatness and virtues that human wisdom can reach. The soul is raised up in its turn and courage is inflamed by wandering through these respectable monuments; in some way one participates in the heroic actions of these great men, it seems that meditation about their greatness communicates a part of it to us, and one could say about their person and their speeches what Pythagoras said about the simulacra of the Gods, that they give a new soul to those who draw near them to obtain their oracles.

What the Poets might find in the invention of their fables most suited to please us and even to instruct us is the union of merit and fortune. The heart cannot hold out against a tender interest for good people and when one sees them prosper, good people love their happiness because of their virtue, and the others love their virtues because of their happiness. If history rarely has the same advantage on the other hand it draws a greater effect from it, and when to the image of happy wisdom is joined the holy character of truth, it teaches men to respect the decrees of providence and gives to upright and sensitive hearts a new courage to act well. History can also compensate for what is lacking in its narratives for the instruction of readers by bringing together under a single aspect deeds and heroes suited to elucidating each other mutually. In these comparisons one disentangles better the work of fortune and that of prudence; when one sets up men or peoples in opposition, everything that distinguishes them, the faults that one commits cause the wisdom of the other in avoiding them to be noticed and one draws an equal instruction from their defects and their virtues. If one can imagine a parallel that brings together all these advantages, it seems to me that it is that of the two Republics that I would like to compare. Rome and Sparta brought human glory as high as it can reach; both shone from virtues and from valor at the same time, both had great reversals and greater successes, seconded or vanquished fortune by dint of wisdom and gave the lie to the vulgar prejudices against the instability of free peoples by means of a firm and durable constitution. If the objects are great the relations are palpable, each Republic had Kings at first, afterwards became a free State and passed away under tyrants; each had a redoubtable rival to combat which often brought it to the brink of its ruin, which it overcame nevertheless but whose defeat became fatal to the conquerors; the aggrandizement of both—even though to very unequal limits—was equally the cause of their ruin. Finally the same pride,

the same morals, the same maxims, above all the same enthusiasm for the fatherland are noticeable in both. With regard to the differences, only too many of them are always found to justify me in the parallel and I will have so many occasions to speak about them in what follows that it would be useless to observe them here.

The founding of the Republic of Sparta had causes no less singular than its laws and its establishment was brought about in a manner completely opposed to those of other governments. In the various conditions of sociable man civil freedom is one of the extremes the other of which is natural freedom. Between these two limits the different political constitutions form so many intermediate degrees which begin with the excesses of licence and end with those of tyranny. Sparta on the contrary, after having begun with despotism soon degenerated into Anarchy, a progression retrograde to the natural order, which was a consequence of the conquest of the Peloponnesus by the Heracleidae. At first Eurysthenes and Procles,[30] having had the idiotic greed of seizing hold of all the possessions of private individuals under the pretext that Laconia was a conquered country, the inhabitants—whom nothing attached to their fatherland any longer—deserted into the neighboring countries and the two tyrants, masters of a vast solitude, learned at their own expense that sovereignty and ownership are incompatible, that the rights of the Prince are only founded on those of the subjects, and that it is impossible to command freely for a long time over people who no longer have anything to lose.

In order to replace the inhabitants that they had not wanted to keep by ceding them a part of their own goods, they attracted Foreigners to whom it was necessary to give more than had been taken from their predecessors. So that it happened as it will always happen that the Kings impoverished themselves because of having usurped everything. But it is impossible for a government to last for long by giving ceaselessly and receiving nothing. Thus finally it was necessary to return to taxes with which they should have been content at first. They were demanded by Agis with the harshness of a Prince who believes everything is permitted for him and whom experience will not correct at all. The People went from murmuring to revolting. Arms were taken up, Agis was the stronger, and the inhabitants of Helos, conquered and enslaved, forever gave the vain and fatal example in Sparta of the cruelest slavery in the bosom of the most perfect freedom.

Far from solidifying their power by means of this violence, the Kings, by neglecting to cover an unjust usurpation with a legitimate administration, deprived themselves of resources for those inevitable moments of

weakness in which right alone takes the place of strength and in which the most vigorous government finds itself at the discretion of the people whatever it might do. Also soon it was necessary to change methods, and these Princes, who were never led by reason, lacking measure in their compliance as in their rigor, allowed it to be seen too much that they were just only out of fear, and that it was necessary to attack their authority ceaselessly to prevent its abuse. But what contributed the most to ruining the sovereign power was its division between the two Kings. For because they had worked ceaselessly to usurp it from each other, they deprived each other of it. Not knowing how to make themselves loved by means of clemency or respected by means of justice, they saw themselves forced to vying with each other with basely flattering the multitude, and attracted more enemies than clients to themselves as a result of a blind bias which made them hated and as a result of impunity for crimes which made them contemptible.

All these causes brought together completely destroyed the monarchy of Sparta at the end of several generations, and no more government was left except a vain form without reality which only served as an obstacle to the establishment of a better public order. The State fell into an anarchy worse than natural independence because there was no way to leave it and because—since the people could not give itself laws or magistrates as long as it had Kings—the powerless royalty no longer served for anything but safeguarding license and brigandage. It is in these circumstances in which the body politic was ready to be dissolved that the Legislator appeared.

In order to judge well about what Lycurgus carried out let us imagine for a moment that he restricted himself to the simple project . . .

If Carthage were in Italy and Athens in the Peloponnesus, Rome and Sparta would perhaps still exist.

But he did not see that the taste for conquests was an inevitable vice in his founding more powerful than the law that repressed it because the civil life of the Lacedaemonians had so much austerity that they lived as gently in the army as they did in their houses; and the fatigues of war were the softness of Sparta, a softness which, although it was a new sort, did not any less confine the former greatness of the Republic within the limits of its territory by lowering its citizens to the point of no longer being anything but equal to other men.

2

Both of them[31] established many spectacles, assemblies, and ceremonies; many Colleges and private societies in order to engender and foment among the Citizens those sweet habits and that innocent and disinter-

ested commerce that forms and nourishes love of the fatherland. Thus they used similar means to arrive at the same ends by opposite routes. For by inspiring his peoples with fear of the Gods, taste for their worship and that for a peaceful society one of them enlightened their courage and tempered their ferocity; the other one gave his people military inclinations and talents by means of these same practices of peace; and both of them—enemies of violence and conquests—thought only of making the State independent and tranquil.

3

As for the size of the State, there is no comparison between these two Republics. Sparta, almost limited to its walls, could not even succeed in subjecting Greece, which was so to speak only a dot in the Roman empire. And Rome, of which so many Kings were the subjects, spread its domination so far that it was finally constrained to limit itself. Sparta did not even have over Rome the advantage peculiar to small States of sustaining with firmness the attacks of bigger peoples, the reversals of fortune, and the approach of total ruin. For the origins of one were as weak as those of the other; and if one had to face the kings of Persia, Epaminondas, and Antipater, the other had to sustain the Gauls, Pyrrhus, and Hannibal. Demonstrating an even greater constancy in resisting adversity, its defeats only made it more inflexible; and this pride, which Sparta did not have to the same degree, made Rome triumph over all her enemies in the end. In both places, the same virtue was guided by different maxims. Ever ready to die for his country, a Spartan loved the fatherland so tenderly that he would have sacrificed freedom itself to save it. But the Romans never imagined that the fatherland could outlive freedom or even glory.

4

In these remote times when the new-born and poorly fixed right of property was not yet established by laws, wealth was only considered usurpation, and when one could despoil its possessors, one hardly regarded it as a theft to deprive them of what did not belong to them. Hercules and Theseus, those Heroes of antiquity at bottom were only Brigands who pillaged others.

5

But what is most fortunate in this connection is that although neither of these two Republics attained the perfection it was capable of, their defects were not at all the same, and since the one had the virtues which the other lacked, in comparing them the illness shows itself only along with

the remedy. So that after the facts such a parallel offers the image of the most excellent government and of the most valiant and wisest People that can exist.

XIII [History of Lacedaemonia]

In the southern part of the Peloponnesus on the east side is a narrow country formerly called Lelegia, then Laconia and finally Lacedaemonia watered by the Eurotas river, and whose capital bears the name of Sparta. It is the inhabitants of a country of such little extent whose history I am undertaking to write. Without deciding whether the most powerful Peoples have ever provided more interesting ones, it is enough for me to believe that one more suited to making felt what laws and morals are able to do for man and what man himself can do when he sincerely loves virtue will never be proposed for the consideration of the wise. Thus to collect those precious monuments that teach us what men can be by showing us what they have been is to honor and instruct humanity. Let us leave to modern history the important details of births, marriages, deaths of some Princes, of their hunting parties, their loves, their boring festivals, their sad pleasures, and the miseries of their Peoples; let us leave the unfaithful narratives of both their wars and their combats which are unimportant even to those who give them. Let us teach our contemporaries, if it is possible, that there was a time when men existed and deplore the misfortune and the shame of our century when we see ourselves forced to look for them so far away from us.

I hesitated for a long time over burdening myself with a labor that I feel to be beyond my strength, and, since this history is the only one that no modern has yet dared to attempt, I found it all the more reckless of myself to undertake it because I believed I better perceived its difficulties. But an almost invincible inclination tormented me for so long that I finally succumbed to that stubborn desire, knowing that zeal often makes up for talent and that the ardor for doing good is also the means for doing it. Do not fear nevertheless that this inclination might carry me to the point of partiality; I know what the sacred rights of history are; if I honor Lacedaemonia, I honor the truth even more, and if this history sometimes resembles a panegyric, one ought to find fault less with me than with the virtues of the people about whom I am speaking or with the monuments I have consulted. But I find it hard to conceive how jealousy and incredulity would dare to cast suspicions of flattery upon events that are so little suspect in that respect as the ones that make up this work. All transmitted to posterity by foreign or enemy nations one ought to

presume that the good is extenuated in them more than the evil; for as for the Spartans, leaving to others the care of giving precepts of virtue and satisfied with giving its example, they have not debased their glory by exalting it, without praising themselves and without caring about the praises of their enemies, they continuously drew them from them; brave and virtuous in silence, they did not do anything to obtain immortality except to deserve it.

It is not that they always acted well in everything: they were men and they had weaknesses; they became ambitious and they committed crimes. God forbid that I undertake to excuse their faults and that my pen lend a coloring to their vices. I call as witness the soul of the Readers during the reading of this work whether they see anything in my soul except love of virtue and the desire to obtain from them in its honor a just tribute of praise or blame for men and things that are worthy of it without regard for nations. I feel very well that the heart warms up and is inflamed by the narration of great actions; it is hard for the style not to be raised up and enlivened in proportion. But disdain and indignation also have their vehemence, and as long as these feelings are distributed equitably I care extremely little if someone reproaches me for having lacked that grave coldness recommended to historians, I know not why, as if the principal usefulness of history were not to cause all good people to be loved ardently and all wicked ones detested.

The greatest inconvenience of the one I am undertaking is that in it one sees men who resemble us in almost nothing, who appear to us to be outside of nature perhaps as much because we are so ourselves, as because they are in fact. Their crimes horrify us. Sometimes their very virtues make us shudder. Equally weak and pusillanimous in good and evil, everything that bears a definite character of strength and vigor does not appear possible to us. The incredulity that we show off is the work of our cowardliness rather than of our reason. But the wrong that the bad disposition of Readers can do to a good work ought not to overshadow the approbation of a single sensible man who profits from it: it is above all in similar occasions that the multitude must be forgotten and that the one who works for the truth ought not to think at all about success. As for me, whatever judgment is made about this writing, it is enough for me to be justified before the Public, of not setting forth anything except based on faith in respected warrants and the majority of them witness of the events, it is enough for my own satisfaction not to have had any other goal in the composition of this history than to depreciate the prejudices with which the men of my time nourish their pettiness and the vices that are its product.

We do not have many fables about the founding of Sparta. Its inhabitants, who sought their glory more in the present than in the past, neglected or disdained to give their city a miraculous origin in imitation of all the others. It is hardly likely that in those remote times they built large cities all at once in places that were previously totally uninhabited. It appears more probable that these famous establishments, having begun with some cottages of countryfolk or vagabonds, insensibly increased in size from the gathering of other vagabonds attracted by the first or by the convenience of the place. When the cities finally became famous by dint of additions, being unable to find the epoch of their founding, their inhabitants imagined it as favorably as they could based on some popular traditions. It is permissible to assume that Sparta's was this way with all the more likelihood since—the country not having been extremely populated or even extremely inhabitable at first—one can follow in antiquity a part of the improvements that finally made the soil so fertile and the city so flourishing. In fact Pausanias and others tell us that the terrain, being previously marshy either from the multitude of small rivers that poured into the low places or from the remains of an extraordinary inundation, was cut off and drained by Eurotas and that the name of this Prince remained for the principal canal which became a genuine river by receiving all the others. They add that his son-in-law and successor Lacedaemon built or added to Sparta and called it this from his wife's name while he gave his own to the country. Finally Eurysthenes and Procles established their residence in this city which they embellished further and made it the permanent Royal residence.

I will not occupy the Reader's attention at all by running through the sterile and doubtful succession of the Kings who governed Lacedaemonia from Lelex up to the time of the Republic. I can barely conceive how one dares to give us under the name of history the hundred times distorted collection of contradictory and almost always ridiculous fables that are reeled off in every country several centuries before anyone dreamed of writing down annals. Moreover in general history chronological dryness can serve to fix contemporary ages, facts, and reigns, but in a particular history to make the useless review of Princes who did nothing but be born and die is visibly to waste time. If I recall some of them here it is to the extent that the features of their life are worthy of some reflections or their history offers clarifications necessary to that of subsequent times.

The Kingdom, having thus passed by means of the women from the descendants of Lelex to those of Lacedaemon ended in them to the Dioscurides and once again passed by their sister Helen into the house of the Atreidae. During the reign of Tisamenes the son of Orestes the Peloponn-

nesus was taken away from the blood of Pelops by that of Hercules and the Kingdom of Lacedaemonia in particular fell to Aristodemus. After his death, since an equal tenderness for her two sons Eurysthenes and Procles kept the queen from declaring which was the elder, they jointly ascended to the Throne, and it is from them that began the two branches of the Heracleidae who under the name of Agides and of Proclides or Eurythionides reigned jointly at Lacedaemonia up to the end of the republic.

This division of the Crown and the jealousies it always caused between the associated Kings was the first cause of the happiness and the glory of Sparta, by forcing the two Rivals to vie with each other in courting the favor of the People and gradually to renounce the despotism they had usurped. Not that the Royal authority—sacrificed to the licence of the people out of such motives—immediately produced an advantageous change; on the contrary, the private individuals who shook off the yoke of Tyranny this way without submitting to that of the laws became more insolent without being any happier because of it, and in order to secure themselves against the outrages of two men, impunity exposed them to those of all their enemies. But this sort of anarchy equally fatal to the Princes and to the subjects disposed both of them to receive a better public order when the time came to present it to them. The Kings preferred to uphold a reliable and moderate authority from the Law rather than to have a precarious one, absolute in appearance but without any power in fact, and the people—preferring impartial Laws to wicked or useless Kings—were only too happy to renounce the power to offend others in order not to be offended against itself. Furthermore the Kings did not suddenly stop being Tyrants. Eurythion the grandson of Procles was the first who—releasing his rights or his pretensions—forced his colleague and his successors to outdo him or at least to follow his example; a condescension that made him loved so strongly by his subjects that they changed in his favor the name of the Proclides and gave them his, as they had given to the family of Eurysthenes that of his son Agis for having enslaved the Ilotes.

These Ilotes or Helots were the inhabitants of a maritime city of Laconia named Helos.

If some man were worthy of being the master of the others, it would be the one who knows how to be the master of himself the same way. If some unfaithfulness could be permitted in order to save the fatherland it would be the one that one could not commit except by dint of virtues.

XIV [Fragments of Ancient History]

1

You have all seen the reign of Cyrus and your greatness in everything is its product. Nevertheless you judge it appropriate to look for a form of administration suited for making us formidable and flourishing, we who subdued Asia and conquered all the treasures of Semiramis under that great man. Thus I am going to follow your intentions in this respect and out of fear of being seduced by the objects that are under our eyes, in the examination of this great question I will assume that the point is not to rule the masters of the world, but to civilize a barbarous people.

2

What use were all the treasures of Asia for Darius against a prince who had nothing?

The Republic of Athens had no revenue when it conquered the Persians, Sparta without either gold or silver subdued Greece and even Athens with a cloak and broth, but hardly had Lysander enriched it with the spoils of Asia when it lost this empire immediately.

The wealth of Carthage and its mercenary troops were the causes of its ruin.

3

The Philaeni

Say as one might that these facts are not true, even in assuming them to be false there must at least have been some probability at those times which caused them to be adopted by historians.[32] If someone recounted to us today a similar deed by one of our contemporaries we would do nothing but laugh and no one would condescend to speak about it.

4

They are also his fellow citizens among whom in the position of a magistrate he is still obliged to maintain frugality, modesty, and good morals.

5

Scipio and Lysander, the one sober and the other disinterested, cast the first seeds of corruption among their citizens, the one by means of Luxury and the other by means of wealth.

6

And as for me, I regard the Olympic games as one of the means which preserved the love of freedom in Greece for the longest time.

7

Demosthenes facing up to Philip and defending Greece. Cicero crushing Catiline.

8

Comparison

The 300 Fabii and Leonidas at Thermopolyae
The Horatii and Curiacii with . . .

9

One of the most serious reproaches that was made to Sulla was that he had increased his patrimony and found himself richer than his Father was.

10

Apology for Rome

Romulus

Since at that time strength was not founded solely on money or intrigue like today but on talents, on valor, on esteem, confidence, it was a genuine merit. It presupposed more greatness of soul, more generosity, nobler qualities than the petty qualities by which one succeeds today in dominating with the aid of courtiers.

11

. . . always moderate and generous in victory, always intrepid and resolute in reverses.

12

This policy is not good for one action,[33] justice and virtue acquire advantages only over a long period of time, it is in the succession of centuries [. . .]

XV [On the Nobility]

1

Sir, you ask me for my feeling about this question which disturbs you: whether the decline of the great Lords in France has been advantageous or harmful to the Kingdom.

What this word Kingdom signifies for you is extremely equivocal in the mouth of a Frenchman. If by Kingdom you understand the king, the question is not a matter of doubt and the solution leaps to the eyes; but if you understand the body of the nation, that is a different thing, and there is matter for discussion.

2

The whole difference is that at that time evil sometimes found resistance and it no longer finds any today.

The luxury of that time increased their power and the luxury of today destroys it; it keeps them in the strictest dependence on the Court and the ministers, and it puts them in no condition to exist in any way other than by continuous favors which are the fruit of the people's servitude and the price for their own.

3

It is true that they lived in servitude, but what is a body of Nobility if it is not a body of valets. The nobility is made essentially for serving, it exists only from that, and for that. The servitude is always the same, only the master is different.

4

England has for a state maxim to get mixed up in nothing but its own business, France has for a state maxim to get mixed up in everything.

XVI [On Morals]

HIST. OF MORALS

1

The mistake of most moralists has always been to consider man as an essentially reasonable being. Man is a sensitive being, who consults solely his passions in order to act, and for whom reason serves only to palliate the follies his passions lead him to commit.

2

When one considers the play of all the parts of this vast universe with a philosopher's eye, one soon notices that the greatest beauty of each of the pieces that compose it does not consist in itself and that it was not formed to remain alone and independent; but to cooperate with all the others in the perfection of the entire machine.

It is the same in the moral order. The vices and virtues of each man are not relative to himself alone. Their greatest relation is with society and it is what they are with regard to order in general that constitutes their essence and their character.

3

Nature always sows equally, but we do not harvest likewise.

4

First, things are not at all equal in the constitution of good and evil. To be just and good an action ought to be so not only in its end but also in accordance with all the relations it can have. On the contrary every action that is vicious in a single respect—however praiseworthy it might otherwise be—becomes bad in itself. So that, everything being equal, the evil ought necessarily to surpass the good in proportion to the multitude of objects to which the morality of each action can relate. Moreover . . .

5

And if for each act the means are set aside in order to consider only the end, incomparably more good actions than bad will be found. All have as their immediate or eventual object the welfare of their author, a motive that is in itself very good and very innocent, if criminal means were not used to achieve it. Some do good by pure virtue and without any other object than the good itself, but it is very difficult to believe that man ever did evil for the sole pleasure of doing so. From which I conclude that in all our conduct there is more blindness than malice and that a single good man honors humanity more than all the wicked can degrade it. I do not feel debased by the crimes of Caligula, Nero, or Heliogabalus, but my soul is ennobled and uplifted by the accounts of the virtues of Antoninus.[34]

6

The law acts only externally and regulates only actions. Morals alone penetrate internally and direct wills.

7

In all countries where morals are an integral part of the State's constitution, the laws are always oriented more toward maintaining customs than toward punishing or rewarding. It is adequate for this purpose to have public engagements, which are never held in contempt by private individuals except in corrupt countries where, in fact, they are contemptible.

8

. . . for centuries to come that you existed, if you leave them neither system of Philosophy, nor verses, nor comedies, nor statues? Consider that if unfortunately all the Peoples of Greece happened to imitate you, how many fine things that they are transmitting to posterity would be lost forever. Consider that one is not allowed to work for virtue as much as for glory . . .

Hasten to abandon Laws which are good only for making you happy. Consider nothing but making yourself talked about a lot when you no longer exist and never forget that if great men were not extolled it would be useless to be one.

9

The taste for letters is born from idleness and nourishes it, so that among a people cultivation indicates a beginning of corruption and completes it very promptly. Aside from idleness, the liberal arts also indicate the inequality of wealth, the taste for petty things and the introduction of luxury, three sources from which vices flow in great torrents in society. As for the mechanical arts, by dint of preventing all our discomforts, they enervate the body and enslave souls and produce other more dangerous evils about which I have not yet explained myself, and about which I would perhaps have the occasion to speak elsewhere.

10

The first philosophers all preached virtue, and it is lucky for them that they did, for they would have gotten themselves stoned to death if they had spoken otherwise. But when peoples began to be enlightened and to believe themselves to be philosophers also, they imperceptibly accustomed themselves to the most peculiar propositions, and there was no paradox so monstrous that the desire to distinguish oneself did not cause to be maintained. Even virtue and divinity were put into question, and

since one must always think differently from the people, philosophers were not needed to cast ridicule on the things they venerated.

11

The great, the rich, and that brilliant portion of society called good company, are very careful to behave differently from other men in everything. One must dress differently from the people, walk, drink, eat differently from the people, speak, think, act, live differently from the people. One very distasteful thing remains. That is the use of the four elements that one must have in common. Couldn't we find some polite manner of freeing ourselves from those nine-tenths of the assembled people whose ignoble breath corrupts the air we breathe?

12

. . . and beginning their career with such disproportionate strength, the difference between them will also increase for the whole distance that one will have traveled more than the other.

13

This great spring of public opinion so skillfully put into action by ancient legislators is absolutely unknown by modern governments, for since they defy it themselves, how would they teach citizens to respect it?

14

If they gave themselves a little less trouble in order to tell us that one must act well, and a little more to act well themselves, do you believe that their examples would be less useful than their instructions? Why must they waste the time they ought to use in doing their duty informing us about ours? etc.

15

Modern history is not devoid of admirable features, but these are only features, I see in it some great actions, but I no longer see any great men.

16

Each station, each profession has its particular dictionary for expressing the vices peculiar to it in decent terms. One will not say about a Minister that he harasses the people, but that he finds expedients, nor about a financier that he robs the Prince but that he makes a good bargain. A

crook will say that he *won* a purse and a Courtesan that she set herself up in the world of high society. Decency is no longer anywhere but in words and the more corruption there is in souls, the more selectivity and purity is affected in speeches. I would like it a hundred times better for a man to come to tell me intrepidly that he has betrayed his benefactor and his friend.

17

A minister who invents expedients, a practitioner who makes a good bargain, a crook who wins a purse all do just about the same things; but each of them tries to soften its idea by means of terms of the trade. If an Impudent person were to declare to me straightforwardly that he had just committed an arrant piece of knavery, perhaps I will find little more arrogance in his speech, but surely much less cowardice.

18

But whatever one might be able to do, thefts and acts of brigandage change nature by changing relations; the little ones dishonor and cause those who commit them to be hanged or broken on the wheel, the big ones are sure of impunity and lead to glory in the end.

19

There are countries in which the public domain no longer returns anything. Which happens when the trade of public thief is so ennobled that all the decent people of the nation practice it with dignity and proudly call their rights what previously one would have called their thefts.

20

It is a miracle how with that fine maxim that there is no evil in robbing the prince one promptly succeeds in calming one's conscience about all sorts of thefts indiscriminately.

21

The majority of highway robbers began by being smugglers, and the murders they have committed to save their life have soon led them to kill passersby to win their purse.

22

They sacrifice their liberty for the preservation of their life just as a traveler gives up his purse to a robber in order not to have his throat cut,

is it therefore to say that the purse is well acquired by the robber and that the owner does not have the right to take it back from him as soon as he has the power to do so[?]

23

Stupidity of cruel tortures in Japan where shame has so much strength. See Mandelslo p. 424.[35]

24

(Table of contents for a plan for a *History of Morals*)

Book I. chap. i. On morals in general; chap. ii. On savage peoples; chap. iii. On barbaric peoples; chap. iv. On civilized peoples; chap. v. On literate peoples; chap. vi. On working peoples; chap. vii. On virtuous peoples; chap. viii. On religion.

Book II. chap. i. On the Egyptians; chap. ii. On the Persians; chap. iii. On the Scythians; chap. iv. On the Greeks; chap. v. On the Carthaginians; chap. vi. On the Gauls; chap. vii. On the Germans; chap. viii. On the Romans.

On the Social Contract,
or
Essay about the
Form of the Republic

[First Version, commonly called the *Geneva Manuscript*] [1]

BOOK I: PRELIMINARY CONCEPTS OF THE SOCIAL BODY

Chapter I: Subject of This Work [2]

So many famous Authors have dealt with the maxims of Government and the rules of civil right that there is nothing useful to say on this subject that has not already been said. But perhaps there would be greater agreement, perhaps the best relationships of the social body would have been more clearly established if its nature had been better determined at the outset. This is what I have tried to do in this work. It is, therefore, not a question here of the administration of this body, but of its constitution. I make it live, not act. I describe its mechanisms and its parts, and set them in place. I put the machine in running order. Wiser men will regulate its movements.

Chapter II: On the General Society of the Human Race [3]

Let us begin by inquiring why the necessity for political institutions arises.

Man's force is so proportioned to his natural needs and his primitive state that the slightest change in this state and increase in his needs make the assistance of his fellow men necessary; and when his desires finally encompass the whole of nature, the cooperation of the entire human race is barely enough to satisfy them. Thus the same causes that make us wicked also make us slaves and reduce us to servitude by depraving us. The feeling of our weakness comes less from our nature than from our cupidity. Our needs bring us together in proportion as our passions divide us, and the more we become enemies of our fellow men, the less we can do without them.[4] Such are the first bonds of general society; such are the founda-

tions of that universal goodwill, which seems to be stifled as a feeling once recognized as a necessity, and whose fruit everyone would like to reap without being obliged to cultivate it. As for our natural identity, its effect here is null because it is as much a subject of quarrel as of union for men, and is as frequently a source of competition and jealousy as of mutual understanding and agreement.

This new order of things gives rise to a multitude of relationships lacking order, regulation, and stability, which men alter and change continually—a hundred working to destroy them for one working to establish them. And since the relative existence of a man in the state of nature is dependent on a thousand other continually changing relationships, he can never be sure of being the same for two moments in his life. Peace and happiness are only momentary for him; nothing is permanent except the misery that results from all these vicissitudes. Even if his feelings and ideas could rise to the love of order and the sublime concepts of virtue, it would be impossible for him ever to apply these principles with certainty in a state of things that would not allow him to discern either good or evil, either the decent man or the wicked one.

The kind of general society that mutual needs can engender does not, therefore, offer any effective assistance to man once he has become miserable, or at least it gives new force to him who already has too much, whereas the weak man—lost, stifled, crushed in the multitude—finds no place of refuge, no source of support for his weakness, and finally perishes as a victim of the deceptive union from which he expected happiness.

[Once one is convinced that among the motives causing men to unite by voluntary bonds nothing relates to the union for its own sake; that far from proposing a goal of shared felicity from which each individual would derive his own, one man's happiness causes the other's misfortune; if, finally, one sees that rather than all striving toward the general good, men only come together because all are moving away from it; then one must also feel that even if such a state could subsist, it would only be a source of crimes and miseries for men, each of whom would see only his interest, follow only his inclinations, and listen only to his passions.][5]

Thus nature's gentle voice is no longer an infallible guide for us, nor is the independence we have received from her a desirable state. We lost peace and innocence forever before we had appreciated their delights. Unfelt by the stupid men of earliest times, lost to the enlightened men of later times, the happy life of the golden age was always a state foreign to the human race, either because it went unrecognized when humans could have enjoyed it or because it had been lost when humans could have known it.[6]

There is even more. Even had this perfect independence and unregulated freedom remained joined to ancient innocence, it would always have had an essential vice, harmful to the development of our most excellent faculties, namely the lack of that liaison between the parts which constitutes the whole. The earth would be covered with men between whom there was almost no communication. We would have some similarities but none would unite us. Everyone would remain isolated among the others, and would think only of himself. Our understanding would be unable to develop. We would live without feeling anything; we would die without having lived. Our total happiness would consist in not knowing our misery. There would be neither goodness in our hearts nor morality in our actions, and we would never have enjoyed the soul's most delicious feeling, which is love of virtue.

[Certainly the term *human race* offers to the mind only a purely collective idea which assumes no real union among the individuals who constitute it. Let us add to it, if you wish, this Supposition, and conceive of the human race as a moral person having—along with a feeling of common existence which gives it individuality and constitutes it as one—a universal motivation which makes each part act for an end that is general and relative to the whole. Let us conceive that this common feeling is humanity, and that natural Law is the active principle of the entire machine. Next let us observe what results from the constitution of man in his relations with his fellow men, and completely to the contrary of what we have supposed, we will find that the development of society stifles humanity in men's hearts by awakening personal interest, and that concepts of the natural law, which should rather be called the law of reason, begin to develop only when the prior development of the passions renders all its precepts impotent. It is apparent from this that the so-called social treaty dictated by nature is a true illusion, since the conditions for it are always either unknown or impracticable, and men must necessarily be in ignorance of them or violate them.[7]

If the general society did exist somewhere other than in the systems of Philosophers, it would be, as I have said, a moral Being with qualities separate and distinct from those of the particular Beings constituting it, somewhat like chemical compounds which have properties that do not belong to any of the elements composing them. There would be a universal language which nature would teach all men and which would be their first means of mutual communication. There would be a kind of central nervous system which would connect all the parts. The public good or ill would not be merely the sum of private goods and ills as in a simple aggregation, but would lie in the liaison uniting them. It would be greater

than this sum, and public felicity, far from being based on the happiness of private individuals, would itself be the source of this happiness.]

It is false that in the state of independence, reason leads us to cooperate for the common good out of a perception of our own interest. Far from there being an alliance between private interest and the general good, they are mutually exclusive in the natural order of things, and social laws are a yoke that each wants to impose on the other without having to bear himself. "I am aware that I bring horror and confusion to the human species," says the independent man who is stifled by the wise man, "but either I must be unhappy or I must cause others to be so, and no one is dearer to me than myself.[8] I would try in vain," he might add, "to reconcile my interest with that of another man. Everything you tell me about the advantages of the social law would be fine if while I were scrupulously observing it toward others, I were sure that all of them would observe it toward me. But what assurance of this can you give me, and could there be a worse situation for me than to be exposed to all the ills that stronger men would want to cause me without my daring to make up for it against the weak? Either give me guarantees against all unjust undertakings or do not expect me to refrain from them in turn. You try vainly to tell me that in renouncing the duties that natural law imposes on me, I deprive myself at the same time of its rights and that my violence will justify every violence that others would like to use against me. I am all the more willing to agree because I fail to see how my moderation could protect me. Furthermore, it will be my business to get the strong on my side, by sharing with them the spoils from the weak. This would be better than justice for my own advantage and for my security." The proof that this is how the enlightened and independent man would have reasoned is that this is how every sovereign society accountable for its behavior only to itself does reason.

What solid answer can be made to such a speech without bringing Religion to the aid of morality and making God's will intervene directly to bind the society of men? But the sublime concepts of a God of the wise, the gentle laws of brotherhood He imposes upon us, the social virtues of pure souls—which are the true cult He desires of us—will always escape the multitude. Gods as senseless as itself will always be made for the multitude, which will sacrifice worthless things in honor of these Gods in order to indulge in a thousand horrible, destructive passions. The whole earth would be covered with blood and the human race would soon perish if Philosophy and laws did not hold back the furies of fanaticism and if the voice of men was not louder than that of the Gods.

Indeed, if concepts of the great Being and of natural law were innate

in every heart, it was surely superfluous to teach them both explicitly. It was teaching us what we already knew, and the way it was done was far better suited to make us forget. If these concepts were not innate, all those to whom God did not give them are excused from knowing them. Ever since particular instructions became necessary, each People has its own ideas which it is taught are the only valid ones, and which lead to Carnage and murder more often than to harmony and peace.

Let us, therefore, set aside the sacred precepts of the various Religions, whose abuse causes as many crimes as their use can avoid, and give back to the Philosopher the examination of a question that the Theologian has never dealt with except to the detriment of the human race.[9]

But the philosopher will send me back to the human race itself, which alone ought to decide because the greatest good of all is the only passion it has. He will tell me that the individual should address himself to the general will in order to find out to what extent he should be man, Citizen, Subject, Father, child, and when it is suitable for him to live and to die.[10] "I admit that I see in this the rule that I can consult, but I do not yet see," our independent man will say, "the reason for subjecting myself to this rule. It is not a matter of teaching me what justice is, but of showing me what interest I have in being just." Indeed, no one will deny that the general will in each individual is a pure act of the understanding, which reasons in the silence of the passions about what man can demand of his fellow man and what his fellow man has the right to demand of him. But where is the man who can be so objective about himself; and if concern for his self-preservation is nature's first precept, can he be forced to look in this manner at the species in general in order to impose on himself duties whose connection with his particular constitution is not evident to him? Don't the preceding objections still exist and doesn't it still remain to be seen how his personal interest requires his submission to the general will?

Furthermore, since the art of generalizing ideas in this way is one of the most difficult and belated exercises of human understanding, will the average man ever be capable of deriving his rules of conduct from this manner of reasoning? And when it would be necessary to consult the general will concerning a particular act, wouldn't it often happen that a well-intentioned man would make a mistake about the rule or its application, and follow only his inclination while thinking that he is obeying the law? What will he do, then, to avoid error? Will he listen to the inner voice? But it is said that this voice is formed only by the habit of judging and feeling within society and according to its laws. It cannot serve, therefore, to establish them. And then it would be necessary that there

had never arisen in his heart any of those passions that speak louder than conscience, muffle its timid voice, and cause philosophers to assert that this voice is nonexistent.[11] Will he consult the written principles of right, the social actions of all peoples, the tacit conventions even of the enemies of the human race? The initial difficulty still remains, and it is only from the social order established among us that we derive ideas about the one we imagine. We conceive of the general society on the basis of our particular societies; the establishment of small Republics makes us think about the large one, and we do not really begin to become men until after we have been Citizens. It is apparent from this what should be thought of those supposed Cosmopolites who, justifying their love of the fatherland by means of their love of the human race, boast of loving everyone in order to have the right to love no one.

What reasoning demonstrates to us in this regard is perfectly confirmed by the facts, and simply by turning back to very ancient times one easily sees that the healthy ideas of natural right and the brotherhood of all men were disseminated rather late and made such slow progress in the world that it was only Christianity that generalized them sufficiently. And even then the ancient acts of violence, not only against declared enemies but also against anyone who was not a subject of the Empire, can still be found authorized in many respects in the Laws of Justinian, so that the humanity of the Romans extended no further than their domination.

Indeed, it was long believed, as Grotius remarks, that it was permissible to rob, pillage, and mistreat foreigners, and especially barbarians, until they were reduced to slavery. This led to the questioning of strangers, without offending them, as to whether they were Brigands or Pirates, because this trade, far from being ignominious, was then considered honorable. The first Heroes, like Hercules and Theseus, who made war on Brigands, nonetheless engaged in brigandage themselves, and the Greeks often used the term peace treaties for treaties made between peoples who were not at war. The words foreigners and enemies were long synonymous for several ancient peoples, even among the Latins. *Hostis enim*, says Cicero, *apud majores nostros dicebatur, quem nunc peregrinum dicimus*.[12] Hobbes's mistake, therefore, is not that he established the state of war among men who are independent and have become sociable, but that he supposed this state natural to the species and gave it as the cause of the vices of which it is the effect.

But although there is no natural and general society among men, although men become unhappy and wicked in becoming sociable, although the laws of justice and equality mean nothing to those who live both in the freedom of the state of nature and subject to the needs of the

social state, far from thinking that there is neither virtue nor happiness for us and that heaven has abandoned us without resources to the depravation of the species, let us attempt to draw from the ill itself the remedy that should cure it. Let us use new associations to correct, if possible, the defect of the general association. Let our violent speaker himself judge its success.[13] Let us show him in perfected art the reparation of the ills that the beginnings of art caused to nature. Let us show him all the misery of the state he believed happy, all the falseness in the reasoning he believed solid. Let him see the value of good actions, the punishment of bad ones, and the loveable harmony of justice and happiness in a better constituted order of things. Let us enlighten his reason with new insights, warm his heart with new feelings; and let him learn to enlarge upon his being and his felicity by sharing them with his fellow men. If my zeal does not blind me in this undertaking, let us not doubt that with a strong soul and an upright sense, this enemy of the human race will at last abjure his hate along with his errors; that reason which led him astray will bring him back to humanity; that he will learn to prefer his properly understood interest to his apparent interest; that he will become good, virtuous, sensitive, and finally—to sum it all up—rather than the ferocious Brigand he wished to become, the most solid support of a well-ordered society.

Chapter III: On the Fundamental Compact[14]

Man was/is born free, and nevertheless everywhere he is in chains. One who believes himself the master of others is nonetheless a greater slave than they. How did this change occur? No one knows. What can make it legitimate? It is not impossible to say.[15] If I were to consider only force, as others do, I would say that as long as the people is constrained to obey and does so, it does well; as soon as it can shake off the yoke and does so, it does even better. For in recovering its freedom by means of the same right used to steal it, either the people is well justified in taking it back, or those who took it away were not justified in doing so. But the social order is a sacred right that serves as a basis for all the others. However, this right does not have its source in nature; it is therefore based on a convention. The problem is to know what this convention is and how it could have been formed.

As soon as man's needs exceed his faculties and the objects of his desire expand and multiply, he must either remain eternally unhappy or seek a new form of being from which he can draw the resources he no longer finds in himself. As soon as obstacles to our self-preservation prevail, by their resistance, over the force each individual can use to conquer them, the primitive state can no longer subsist and the human race would perish

if art did not come to nature's rescue. Since man cannot engender new forces but merely unite and direct existing ones, he has no other means of self-preservation except to form, by aggregation, a sum of forces that can prevail over the resistance; set them to work by a single motivation; make them act conjointly; and direct them toward a single object. This is the fundamental problem which is solved by the institution of the State.

If, then, these conditions are combined and everything that is not of the essence of the social Compact is set aside, one will find that it can be reduced to the following terms: "Each of us puts his will, his goods, his force, and his person in common, under the direction of the general will, and in a body we all receive each member as an inalienable part of the whole."

Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, and to which the common self gives formal unity, life, and will. This public person, formed thus by the union of all the others, generally assumes the name body politic, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. As for the members themselves, they take the name *People* collectively, and individually are called *Citizens* as members of the *City* or participants in the sovereign authority, and *Subjects* as subject to the Laws of the State. But these terms, rarely used with complete precision, are often mistaken for one another, and it is enough to know how to distinguish them when the meaning of discourse so requires.

This formula shows that the primitive act of confederation includes a reciprocal engagement between the public and private individuals, and that each individual, contracting with himself so to speak, finds that he is doubly engaged, namely toward private individuals as a member of the sovereign and toward the sovereign as a member of the State. But it must be noted that the maxim of Civil Right that no one can be held responsible for engagements toward himself cannot be applied here, because there is a great difference between being obligated to oneself, or to a whole of which one is a part. It must further be noted that the public deliberation that can obligate all of the subjects to the sovereign—due to the two different relationships in which each of them is considered—cannot for the opposite reason obligate the sovereign toward itself, and that consequently it is contrary to the nature of the body politic for the sovereign to impose on itself a law that it cannot break. Since the sovereign can only be considered in a single relationship, it is then in the situation of a private individual contracting with himself. It is apparent

from this that there is not, nor can there be, any kind of fundamental Law that is obligatory for the body of People. This does not mean that this body cannot perfectly well enter an engagement toward another, at least insofar as this is not contrary to its nature, because with reference to the foreigner, it becomes a simple Being or individual.

As soon as this multitude is thus united in a body, one could not harm any of its members without attacking the body in some part of its existence, and it is even less possible to harm the body without the members feeling the effects. For in addition to the common life in question, all risk also that part of themselves which is not currently at the disposition of the sovereign and which they enjoy in safety only under public protection.[16] Thus duty and interest equally obligate the two contracting parties to be of mutual assistance, and the same persons should seek to combine in this double relationship all the advantages that are dependent on it. But there are some distinctions to be made insofar as the sovereign, formed solely by the private individuals composing it, never has any interest contrary to theirs, and as a consequence the sovereign power could never need a guarantee toward the private individuals, because it is impossible for the body ever to want to harm its members. The same is not true of the private individuals with reference to the sovereign, for despite the common interest, nothing would answer for their engagements to the sovereign if it did not find ways to be assured of their fidelity. Indeed, each individual can, as a man, have a private will contrary to or differing from the general will he has as a Citizen. His absolute and independent existence can bring him to view what he owes the common cause as a free contribution, the loss of which will harm others less than its payment burdens him; and considering the moral person which constitutes the state as a Being produced by reason because it is not a man, he might wish to enjoy the rights of the Citizen without wanting to fulfill the duties of a subject, an injustice whose spread would soon cause the ruin of the body politic.

In order for the social contract not to be an ineffectual formula, therefore, the sovereign must have some guarantees, independently of the consent of the private individuals, of their engagements toward the common cause. The oath is ordinarily the first of such guarantees, but since it comes from a totally different order of things and since each man, according to his inner maxims, modifies to his liking the obligation it imposes on him, it is rarely relied on in political institutions; and it is with reason that more real assurances, derived from the thing itself, are preferred. So the fundamental compact tacitly includes this engagement, which alone can give force to all the others: that whoever refuses to obey the general will shall be constrained to do so by the entire body. But it is impor-

tant here to remember carefully that the particular, distinctive character of this compact is that the people contracts only with itself; that is, the people in a body, as sovereign, with the private individuals composing it, as subjects—a condition that creates all the ingenuity and functioning of the political machine, and alone renders legitimate, reasonable, and without danger engagements that without it would be absurd, tyrannical, and subject to the most enormous abuse.

This passage from the state of nature to the social state produces a remarkable change in man, by substituting justice for instinct in his behavior and giving his actions moral relationships which they did not have before. Only then, when the voice of duty replaces physical impulse, and right replaces appetite, does man, who until that time only considered himself, find that he is forced to act upon other principles and to consult his reason before heeding his inclinations. But although in this state he deprives himself of several advantages given him by nature, he gains such great ones, his faculties are exercised and developed, his ideas broadened, his feelings ennobled, and his whole soul elevated to such a point that if the abuses of this new condition did not often degrade him even beneath the condition he left, he ought ceaselessly to bless the happy moment that tore him away from it forever, and that changed him from a stupid, limited animal into an intelligent being and a man.

Let us reduce the pros and cons to easily compared terms. What man loses by the social contract is his natural freedom and an unlimited right to everything he needs; what he gains is civil freedom and the proprietorship of everything he possesses. In order not to be mistaken in these estimates, one must distinguish carefully between natural freedom, which is limited only by the force of the individual, and civil freedom, which is limited by the general will; and between possession, which is only the effect of force or the right of the first occupant, and property, which can only be based on a legal title.

On Real Estate

Each member of the community gives himself to it at the moment of its formation, just as he currently is—both himself and all his force, which includes the goods he holds. It is not that by this act possession, in changing hands, changes its nature and becomes property in the hands of the sovereign. But as the force of the State is incomparably greater than that of each private individual, public possession is by that very fact stronger and more irrevocable, without being more legitimate, at least in relation to Foreigners. For in relation to its members, the State is master of all their goods through a solemn convention, the most sacred right known

to man. But with regard to other States, it is so only through the right of the first occupant, which it derives from the private individuals, a right less absurd, less odious than that of conquest and yet which, when well examined, proves scarcely more legitimate.

So it is that the combined and contiguous lands of private individuals become public territory, and the right of sovereignty, extending from the subjects to the ground they occupy, comes to include both property and persons, which places those who possess land in a greater dependency and turns even their force into security for their loyalty. This advantage does not appear to be well-known to Ancient monarchs, who seem to have considered themselves leaders of men rather than masters of the country. Thus they only called themselves Kings of the Persians, the Scythians, the Macedonians, whereas ours more cleverly call themselves Kings of France, Spain, England. By thus holding the land, they are quite sure to hold its inhabitants.

What is admirable in this alienation is that far from plundering private individuals of their goods, by accepting them the community thereby only assures them of legitimate disposition, changes usurpation into a true right, and use into property. Then, with their title respected by all the members of the State and maintained with all its force against Foreigners, through a transfer that is advantageous to the community and even more so to themselves, they have, so to speak, acquired all they have given—an enigma easily explained by the distinction between the rights of the sovereign and of the proprietor to the same resource.

It can also happen that men start to unite before possessing anything, and that subsequently taking over a piece of land sufficient for all, they use it in common or else divide it among themselves either equally or according to certain proportions established by the sovereign. But however the acquisition is made, the right of each private individual to his own goods is always subordinate to the community's right to all, without which there would be neither solidity in the social bond nor real force in the exercise of sovereignty.

I shall end this chapter with a comment that should serve as the basis of the whole social system. It is that rather than destroying natural equality, the fundamental compact on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that although they may be naturally unequal in force or in genius, they all become equal through convention and by right.

Chapter IV: What Sovereignty Consists of and What Makes It Inalienable [17]

There is, therefore, in the State, a common force that supports it and a general will that directs this force, and the application of the one to the other constitutes sovereignty. It is apparent from this that the sovereign is by its nature only a moral person, that it has only an abstract and collective existence, and that the idea attributed to this word cannot be likened to that of a simple individual. But since this is one of the most important propositions in the whole matter of political right, let us try to make it clearer.

I believe I can establish as an incontestable maxim that the general will alone can guide the forces of the State according to the end for which it was instituted, which is the common good. For if the opposition of private interests made the establishment of civil societies necessary, it is the agreement of these same interests that made it possible. It is what these different interests have in common that forms the social bond, and if there were not some point at which all these interests are in agreement, society could not exist. Now since the will always tends toward the good of the being who wills, since the private will always has as its object private interest and the general will common interest, it follows that this last alone is or ought to be the true motivation of the social body.

I agree that it is possible to question whether a private will could agree in all things with the general will, and consequently, assuming that such a private will existed, whether the entire direction of the public force could without drawback be confided to it. But without anticipating the solutions to this question that I shall give later, everyone should see by this time that a private will substituted for the general will is a superfluous instrument when they agree and harmful when they are opposed. One should also see that such a supposition is absurd and impossible by the nature of things, because private interest always tends toward preferences and public interest toward equality.

Furthermore, even if the two wills were found to be momentarily in agreement, one could never be sure that this agreement would last through the following moment and that no opposition would ever arise between them. The order of human things is subject to so many revolutions, and ways of thinking as well as ways of being change so easily, that it would be foolhardy to affirm that one will want tomorrow what one wants today; and if the general will is less subject to this inconstancy, nothing can protect the private will from it. Thus, even if the social body could say at a given time, "I now want everything that a particular man wants," it could never say in speaking about the same man, "What he will

want tomorrow I shall still want." Now the general will that should direct the State is not that of a past time but of the present moment, and the true characteristic of sovereignty is that there is always agreement on time, place, and effect between the direction of the general will and the use of public force, an agreement one can no longer be sure of as soon as another will, whatever it may be, commands this force. It is true that in a well-regulated State, an act of the will of the people can always be inferred to continue in effect as long as the people does not destroy it by a contrary act. But it is always by virtue of current, tacit consent that the prior act continues to be in effect. The conditions necessary in order to presume this consent will be seen in what follows.

Just as the action of the soul on the body with respect to man's constitution is unfathomable in philosophy, so the action of the general will on the public force with respect to the constitution of the State is unfathomable in politics. Here, all legislators have gone astray. In what follows I shall present the best means that have been used for this, and I shall only trust evaluation based on reasoning insofar as this is justified by experience. If willing and doing are the same for every free Being, and if the will of such a being measures exactly the amount of his force that he uses to accomplish it, it is evident that in everything that does not go beyond the public power, the State would always faithfully execute everything that the sovereign wills just the way it is willed—provided that the will was as simple an act and the action as immediate an effect of this same will in the civil body as they are in the human body.

But even if the bond of which I speak were as well established as possible, all the difficulties would not disappear. The works of men—always less perfect than those of nature—never go so directly toward their end. In politics as in mechanics one cannot avoid acting more weakly or more slowly, and losing force or time. The general will is rarely the will of all, and the public force is always less than the sum of the private forces, so that in the mechanism of the State there is an equivalent of friction in machines, which one must know how to reduce to the least possible amount and which must at least be calculated and subtracted in advance from the total force, so that the means used will be exactly proportionate to the effect desired. But without going into this difficult research which constitutes the science of the Legislator, let us finish determining the idea of the civil state.

Chapter V: False Concepts of the Social Bond[18]

There are a thousand ways to bring men together; there is only one way to unite them. That is why in this work I give only one method for

the formation of political societies, although in the multitude of aggregations that now exist under this name, there may not even be two that were formed in the same manner and not one according to the manner I establish. But I seek right and reason, and do not argue over facts. Using these rules, let us try to find out how one should judge other paths to civil association, such as the ones supposed by most of our Writers.

1. It is readily conceived that the natural authority of the Father of the family over his Children extends even beyond their weakness and need, and that as they continue to obey him, they end up doing through habit and gratitude what they did at first through necessity; and the bonds that can unite the family are easy to see. But that when the Father dies, one of the brothers usurps from brothers of comparable age, and even from outsiders, the power that the Father had over all, is without either reason or foundation. For the natural rights of age, force, paternal tenderness, and the duties of filial gratitude are all lacking in this new order, and the brothers are imbeciles or denatured to subject their children to the yoke of a man who, according to the natural law, should give every preference to his own. One no longer sees in this situation the ties that unite leader and members. Force acts alone and nature no longer speaks.

Let us stop for a moment on this parallel emphasized by so many Authors. First, even if there were as many similarities between the State and the family as they claim, it would not necessarily follow that the rules of conduct appropriate to one of these two societies would be suited to the other. They differ too much in size to be administered in the same way, and there will always be a very great difference between household government, where the Father sees everything for himself, and civil government, where the leader sees almost nothing except through the eyes of others. For things to become equal in this respect, the talents, force, and faculties of the Father would have to increase in relation to the size of his family, and the soul of a powerful Monarch would have to be, compared to that of the ordinary man, what the extent of his Empire is to the inheritance of a private individual.

But how could the government of the State be like that of the family, whose principle is so different? Because the Father is physically stronger than his children, paternal power is with reason thought to be established by nature for as long as they need his help. In the large family, all of whose members are naturally equal, political authority—purely arbitrary as regards its institution—can only be founded on conventions, and the Magistrate can only command the Citizen by virtue of the laws. The Father's duties are dictated by natural feelings, and in such a way that he

can rarely disobey. Leaders have no similar rule and are not really obligated to the people except for what they have promised to do, which the people has the right to require them to execute. Another even more important difference is that since the children have nothing except what they receive from the Father, it is evident that all property rights belong to, or emanate from, him. It is just the opposite in the large family, where the general administration is only established in order to assure private possession, which is antecedent to it. The main object of the entire household's work is to preserve and increase the Father's patrimony, so that some day he can divide it among his children without impoverishing them, whereas the prince's wealth, far from adding anything to the welfare of private individuals, almost always costs them their peace and plenty. Finally, the small family is destined to die out and to split up someday into several other similar families, whereas the large one is made to last always in the same state. The former must increase in order to multiply, whereas not only does it suffice for the latter to preserve itself, but it can even be proved that all growth is more harmful than useful to it.

For several reasons derived from the nature of things, the Father should command in the family. First, the authority of the Father and Mother should not be equal; rather there must be a single government, and when opinions are divided, there must be a dominant voice that decides. Second, however slight the incapacitations peculiar to the wife are thought to be, since they are always an inactive period for her, this is sufficient reason to exclude her from primacy, because when the balance is perfectly equal, the smallest thing is enough to tip it. Furthermore, the Husband should oversee his wife's conduct, because it is important to him that the children he is forced to recognize do not belong to anyone other than himself. The wife, who has no such thing to fear, does not have the same right over her husband. Third, children should obey their Father, at first through necessity, later through gratitude. After having their needs met by him for half their lives, they should devote the other half to attending to his needs. Fourth, as regards Domestic Servants, they too owe him their services in return for the livelihood he gives them, unless they break the exchange when it no longer suits them. I do not speak of slavery, because it is contrary to nature and nothing can authorize it.

Nothing of this kind exists in political society. Far from the Leader's having a natural interest in the happiness of private individuals, it is not unusual for him to seek his own happiness in their misery. Is the crown hereditary? Often a child is in command of men.* Is it elective? Elections

* French law on the coming of age of Kings proves that very sensible men and long experience have taught peoples that it is a greater misfortune to be governed by Regencies than by Children.

present a thousand drawbacks. And in either case all the advantages of paternity are lost. If you have only one leader, you are at the discretion of a master who has no reason to love you. If you have several, you must simultaneously bear their Tyranny and their dissensions. In short, abuses are inevitable and their consequences disastrous in all societies, where the public interest and the laws have no natural force and are continuously assailed by the personal interest and passions of leader and members.

Although the functions of the Father of a family and of the Prince should be directed toward the same goal, the paths they take are so different, their duties and rights are so dissimilar, that one cannot confuse them without forming the most erroneous ideas about the principles of society, and without making mistakes that are fatal to the human race. Indeed, while nature's voice is the best advice a Father can heed to fulfill his duties, for the Magistrate it is a false guide, working continuously to separate him from his people, and bringing him sooner or later to his downfall or to that of the State unless he is restrained by prudence or virtue. The only precaution necessary to the Father of a family is to protect himself from depravity, and to prevent his natural inclinations from becoming corrupt, whereas it is these very inclinations which corrupt the Magistrate. To do what is right, the former need only consult his heart; the latter becomes a traitor the moment he heeds his. Even his own reason should be suspect to him, and he should follow only the public reason, which is the law. Besides, nature has made a multitude of good Fathers of families, but I do not know whether human wisdom has ever made a good King. Look in Plato's *Statesman* at the qualities this Royal man should have, and cite someone who has had them.[19] Even if one were to suppose that this man had existed and had worn a crown, does reason allow the rule for human governments to be established on a marvel? It is therefore certain that the social bond of the City neither could nor should have been formed by extension of the family bond or on the same model.

2. That a rich and powerful man, having acquired immense possessions in land, might impose laws on those wishing to establish themselves there; that he might allow them to do so only on condition that they recognize his supreme authority and obey all his wishes: I can also conceive of that. But how can I conceive of a treaty that presupposes antecedent rights as the first basis of Right; and in this Tyrannical act isn't there a double usurpation, namely of the property of the land and of the freedom of its inhabitants? How can a private individual seize an immense territory and deprive the human race of it except through a punishable usurpation, since this act takes away from the rest of the world's inhabitants the dwelling place and foods that nature gives them in common. Let us grant

to need and labor the right of the first occupant. Can't we place some limits on this right? Will setting foot on a piece of common ground be sufficient to claim on the spot to be its exclusive proprietor? * Will having the force to drive away all others be sufficient to deprive them of the right to return? To what extent can the act of taking possession establish property? When Nuñez Balboa, standing on the shore, took possession of the South Sea and all of South America in the name of the Crown of Castile, was this enough to dispossess all the inhabitants and exclude all the Princes of the world? On that basis such ceremonies multiplied rather ineffectually, for all the Catholic King had to do was to take possession of the entire universe all at once from his study, subsequently eliminating from his empire what had been previously possessed by other Princes.

What then are the necessary conditions to authorize the right of the first occupant to any land whatsoever? First, that it not yet be inhabited by anyone. Second, that one occupy only the amount one needs for subsistence. Third, that one take possession not by a vain ceremony but by labor and cultivation, the only sign of property that others ought to respect. The rights of a man prior to the state of society cannot go any further, and everything else, being only violence and usurpation contrary to the right of nature, cannot serve as a foundation for social right.

Now, when I have no more land than is necessary to maintain myself, and enough hands to cultivate it, if I give some away there will be less left than I need. What then can I yield to others without taking away my subsistence, or what agreement could I make with them to give them possession of what does not belong to me? As for the conditions of this agreement, it is very evident that they are illegitimate and null for those who are thereby subjected without qualification to the will of another. For besides the fact that such submission is incompatible with the nature of man, and taking away all his freedom of will is taking away all morality from his actions, it is a vain, absurd, impossible convention to stipulate absolute authority on one side, and on the other unlimited obedience. Isn't it clear that one is in no way engaged toward a person from whom one has the right to demand everything, and doesn't this condition alone, incompatible with any other, entail the nullification of the act? For how could my Slave have rights against me, since all he has belongs to me, and his right being mine, my right against myself is a meaningless word?

* In a work entitled, I think, the *Dutch Observer*, I saw a rather amusing principle, which is that all land inhabited only by savages should be considered vacant, and that one may legitimately seize it and drive the inhabitants away without doing them any wrong according to natural right.[20]

3. That by the right of war, the victor, instead of killing his captives, reduces them to eternal servitude is doubtless profitable for him; but since he does this to them only by right of war, the state of war does not end between the conquered and himself, because it can end only by means of a free and voluntary convention just as it began. If he does not kill them all, this so-called grace is not one in fact when it must be paid for with the freedom that alone can give life a value. Because these captives are more useful to him alive than dead, he lets them live for the sake of his interest, not theirs. They owe him nothing, therefore, except obedience for as long as they are forced to obey him; but the moment the subjugated people can shake off a yoke imposed by force, and get away from its master—that is, from its enemy—if it can do so it should; and in recovering its legitimate freedom, it only makes use of the right of war which does not end so long as the violence authorized by it persists. But how could the state of war serve as the basis of a treaty of union, whose sole object is justice and peace? Can one conceive of anything more absurd than to say, "We are united in a single body since there is still war between us?" But the falseness of this so-called right to kill captives has become so well recognized that there is no longer any civilized man who dares to exercise or claim this fantastic, barbaric right, nor even a paid sophist who dares to affirm it.

First, then, I say that since the victor does not have the right to put the vanquished to death as soon as they surrender, he cannot establish their slavery on a nonexistent right. Second, that even if the victor had this right and did not take advantage of it, this could never produce a civil state, but merely a modified state of war.

Let us add that if by the word *war* one means public war, this supposes prior societies whose origin is not explained. If one means private war between man and man, this will yield only a master and Slaves, never a leader and citizens. And to differentiate this latter relationship, it is necessary to suppose some social convention that makes a body of the people and unites the members among themselves as well as to the leader.

This, in fact, is the true character of the civil state. A People is a People independently of its leader, and if the Prince dies, there are still bonds that maintain them as a national body. You will not find anything like this in the principles of Tyranny. As soon as the Tyrant ceases to exist, everything comes apart and falls into dust, like an oak into a pile of ashes when the fire that has devoured it dies out.[21]

4. That by the lapse of time a violent usurpation finally becomes a legitimate power, that prescription by itself can change a Usurper into a

supreme magistrate and a crowd of slaves into a national body is something many learned men have dared to affirm, and lacks no authority except that of reason. Far from a long period of violence being able to transform itself by the force of time into a just government, it is on the contrary undebatable that when a People is insane enough voluntarily to give its leader arbitrary power, this power could not be transmitted to other generations; and its duration alone is enough to make it illegitimate, because one cannot presume that children yet to be born will approve their Fathers' extravagance, nor with any justice make them bear the punishment for a fault they did not commit.

We will be told, I know, that as what does not exist has no status, the child yet to be born has no rights, so that his parents can renounce their rights for themselves and for him without his having ground for complaint. But to destroy such a crude sophism, it suffices to distinguish between rights that a son owes only to his Father, such as the property of his goods, and rights he owes only to nature and to his status as a man, such as freedom. There is no doubt that by the law of reason a Father can alienate the former, of which he is the sole owner, and deprive his children of them. But the same is not true of the latter, which are direct gifts of nature and of which, therefore, no man can deprive them. Let us suppose that a conqueror, clever and zealous for the happiness of his subjects, persuaded them that with one less arm they would be calmer and happier. Would this suffice to obligate all their children in perpetuity to have an arm cut off to fulfill their fathers' engagements?

With respect to the tacit consent invoked as a legitimation of Tyranny, it is easy to see that it cannot be presumed even from the longest silence, because in addition to the fear that prevents individuals from protesting against a man who has the public force at his disposal, the people, which can manifest its will only in a body, lacks the power to assemble and declare it. On the contrary, the silence of citizens is enough to reject an unrecognized leader. They must speak, and speak in full freedom, in order to give him authority. Besides, all that is said on this subject by jurists and others who are paid to do so does not prove that the people does not have the right to take back its usurped freedom, but only that it is dangerous to try. It is also something that must never be done when one knows greater evils than having lost one's freedom.

This whole dispute about the social compact seems to me to come down to one very simple question. What can have engaged men to join together voluntarily into a social body if not their common utility? The common utility is therefore the foundation of civil society. Given this, how are legitimate States to be distinguished from forced, unauthorized

groupings, if not by considering the object or end of each? If the form of the society tends toward the common good, it follows the spirit of its institution; if it envisages only the interest of the leaders, it is illegitimate by right of reason and humanity. Because even though the public interest might sometimes be consistent with Tyranny, this passing consistency could not suffice to authorize a government not based on the principle of the public interest. When Grotius denies that all power is established in favor of the governed, he is only too right with respect to facts, but it is the matter of right with which we are concerned. His only proof is strange; he derives it from the power of a master over his slave, as if one fact could authorize another, and slavery itself were less wicked than Tyranny. It is precisely the right of slavery that had to be proved. It is not a matter of what is, but of what is suitable and just; nor of the power one is forced to obey, but of that which one is obligated to recognize.

Chapter VI: On the Respective Rights of the Sovereign and the Citizen

If the common interest is the object of the association, it is clear that the general will should be the rule of the social body's actions.[22] This is the fundamental principle I have tried to establish. Now let us see what power this will should have over private individuals, and how it becomes manifest to everyone.

As the State or city constitutes a moral person whose life consists in the cooperation and union of its members, the first and most important of its concerns is that of its own preservation. This concern requires a universal, compulsory force to move and arrange each part in the manner best suited to the whole. Thus, just as nature gives each man absolute power over his members, the social compact gives the body politic absolute power over its members; and it is the exercise of this same power, directed by the general will, which as I have said bears the name sovereignty.

But since we have to consider, in addition to the public person, the private persons who compose it and whose life and existence are naturally independent of it, this matter requires some discussion.

Everything consists in making a clear distinction between the sovereign's rights over the Citizens and those it should respect in them, and between the duties they have to fulfill as subjects and the natural right to which they are entitled as men. It is certain that each person alienates through the social compact only that part of his natural faculties, goods, and freedom whose possession matters to the society.

Thus a Citizen owes the state all the services he can render it, and the sovereign, for its part, cannot burden the subjects with any chain that is

useless to the community. For under the law of reason nothing is done without a cause, any more than under the law of nature. But one must not confuse what is appropriate with what is necessary, simple duty with narrow right, and what can be required of us with what we should do voluntarily.[23]

The engagements that bind us to the social body are obligatory only because they are mutual, and their nature is such that one cannot work for someone else without at the same time working for oneself. Why is the general will always right, and why do all constantly want the happiness of each, if not because there is no one who does not secretly appropriate this word *each* to himself, and does not think of himself as he votes for all? Which proves that equality of right, and the concept of justice that flows from it, are derived from each man's preference for himself, and consequently from the nature of man; that the general will, to be truly such, should be general in its object as well as in its essence; that it should come from all to return to all, and that it loses its natural rectitude as soon as it is applied to an individual, determinate subject. Because then, judging what is not ourselves, we have no true principle of equity to guide us.

Indeed, as soon as it is a matter of fact or a particular right concerning a point that has not been regulated by a prior, general convention, the affair is in dispute. It is a lawsuit where the interested private individuals constitute one party and the public the other, but in which I see neither what law must be followed nor what judge should decide. In this case it would be ridiculous to want to turn to an express decision of the general will, which can only be the conclusion of one of the parties and which, for the other party, is consequently only a private will, subject on this occasion to injustice or error. Thus, just as a private will cannot represent the general will, the general will in turn cannot, without changing its nature, become a private will; it cannot pass judgment by name on either a man or a fact. When the people of Athens, for example, appointed or dismissed its leaders, awarded a recompense to one or imposed a fine on another, and by means of a multitude of particular decrees performed indistinguishably all the acts of government, the People then no longer had a general will properly speaking. It no longer acted as sovereign, but as Magistrate.

It should be understood from this that what generalizes the public will is not the number of voters, but the common interest that unites them, because in this institution everyone necessarily submits himself to the conditions he imposes on others, an admirable agreement between interest and justice which confers on common deliberations a quality of equity that vanishes in the discussion of private matters, for want of a

common interest that unites and identifies the will of the Judge with that of the party.

However one traces the principle, one always reaches the same conclusion, namely that the social compact establishes an equality of right between citizens such that they all engage themselves under the same conditions and should all benefit from the same advantages. Thus, by the very nature of the compact, every act of sovereignty, which is to say every authentic act of the general will, obligates or favors all Citizens equally, so that the sovereign knows only the nation as a body and makes no distinctions between any of those who compose it. What really is an act of sovereignty then? It is not an order given by a superior to an inferior, nor a command given by a master to a slave, but a convention between the body of the State and each of its members. A convention that is legitimate, because it has the social contract as a basis; equitable, because it is voluntary and general; useful, because it can have no other object than the good of all; and solid, because it has the public force and the supreme power as guarantees. As long as subjects are subordinated only to such conventions, they do not obey anyone, but solely their own will; and to ask how far the respective rights of the sovereign and of private individuals extend is to ask how far the latter can engage themselves to one another, each to all and all to each.

It follows from this that the sovereign power, albeit entirely absolute, entirely sacred, and entirely inviolable, does not and cannot exceed the limits of the general conventions, and that every man can fully dispose of the part of his goods and freedom that has been left to him by these conventions. So that the sovereign never has the right to burden one private individual more than another, because then the matter becomes individual, and its power is no longer competent.

Once these distinctions are acknowledged, it is so false that the social contract involves any true renunciation on the part of private individuals that their situation, by the effect of this contract, is actually preferable to what it was beforehand; and instead of a simple alienation, they have only exchanged to their advantage an uncertain, precarious mode of existence for another that is better and safer; natural independence for civil freedom, the power to harm others for their personal safety, and their force, which others could overcome, for a right that the social union renders invincible. Their life itself, which they have dedicated to the State, is constantly protected by it; and when they risk or lose it for the State's defense, what are they then doing that they did not do more often and with greater danger in the state of nature when, waging inevitable fights, they defend at the risk of life that which preserves it for them? It is true

that everyone has to fight, if need be, for the fatherland, but also no one ever has to fight for himself. Don't we still gain by risking, for something that gives us security, a part of what we would have to risk for ourselves as soon as our security is taken away?

Chapter VII: Necessity for Positive Laws[24]

It seems to me that these are the most accurate ideas one can have about the fundamental compact that is the basis of every true body politic; ideas that it was all the more important to develop because, for want of having conceived them clearly, all those who have dealt with this subject have always founded civil government on arbitrary Principles which do not flow from the nature of this compact. In what follows, it will be seen how easily the whole political system is deduced from the principles I have just established, and how natural and enlightened its consequences are. But let us finish laying down the foundations of our construction.

Since the social union has a determinate object, its fulfillment must be sought as soon as the union is formed. In order for each person to want to do what he ought to do according to the engagement of the social contract, each must know what it is that he ought to want. What he ought to want is the common good; what he ought to avoid is the public ill. But since the State has only an ideal and conventional existence, its members have no natural, common sensitivity by means of which they are promptly alerted to receive a pleasant impression from what is useful to it and a painful impression as soon as it is harmed. Far from anticipating the ills that attack it, they are rarely in time to effect a remedy when they begin to feel them. Yet these ills must be foreseen long in advance to be avoided or cured. How then could private individuals safeguard the community from ills they can neither see nor feel until they have struck? How would they procure goods for it which they can judge only after their effect? Besides, how is it possible to be assured that men who are constantly reminded of their primitive condition by nature will never neglect this other, artificial condition whose advantage they can only sense through consequences that are often far removed? Let us assume that they are always subject to the general will. How can this will manifest itself on all occasions? Will it always be evident? Will the illusions of private interest never obscure it? Will the People always remain assembled to declare it, or will they rely for this on private individuals who are ever ready to substitute their own interest? Finally, how will they all act together, how will they organize their affairs, what means of agreement will they have, and how will they divide the common tasks among themselves?

These difficulties, which must have appeared insurmountable, were

removed by the most sublime of all human institutions, or rather by a celestial inspiration that taught people to imitate here on earth the immutable decrees of the divinity. By what inconceivable art could the means have been found to subjugate men in order to make them free; to use the goods, the labor, even the life of its members in the service of the State, without constraining and without consulting them; to bind their will by their own agreement; to make their consent predominate over their refusal; and to force them to punish themselves when they do what they did not want? How can it be that all obey while none commands, that they serve and have no master, and are all the freer, in fact, because under what appears as subjugation, no one loses any of his freedom except what would harm the freedom of another. These marvels are the work of the law. It is to law alone that men owe justice and freedom. It is this healthy instrument of the will of all that reestablishes, as a right, the natural equality among men. It is this celestial voice that tells each citizen the precepts of public reason, and teaches him to behave according to the maxims of his own judgment and not to be constantly in contradiction with himself: Laws are the sole motivation of the body politic, which is active and sensitive only through them. Without laws, the newly formed State is only a body without a soul; it exists but cannot act. For it is not enough for everyone to be subject to the general will; to follow it, one must know it. From this arises the necessity for legislation.

Laws are properly speaking only the conditions of the civil association. The People that is subject to the laws ought therefore to be their author, because only those who are forming an association have the right to declare the conditions under which they are willing to be associated. But how will they declare these conditions? Will it be in common accord and by sudden inspiration? Does the body politic have an organ to enunciate its will? Who will give it the necessary foresight to formulate acts and publish them in advance, or how will it pronounce them in time of need? How is it to be expected that a blind multitude, which often does not know what it wants because it rarely knows what is good for it, can formulate and execute by itself such a difficult undertaking as a system of Legislation, which is the most sublime effort of human wisdom and foresight? By itself, the People always wants the good, but by itself it does not always see it. The general will is always right; it is never a question of correcting it. But it is necessary to know how to consult it appropriately. It must be presented with objects as they are, or sometimes as they should appear to be; shown the good path it wants to follow; safeguarded against the seduction of private wills; shown how to assimilate considerations of time and place; taught to weigh the illusion of present, tangible

advantages against the danger of remote, hidden ills. Private individuals see the good they reject; the public wants the good it does not see. All are equally in need of guides. The former must be obligated to make their wills conform to their reason; the latter must be taught to know what it wants. Then public Enlightenment will result in the virtue of private individuals; and this union of understanding and will in the social body, from the complete cooperation of the parts and the greatest force of the whole. From this arises the necessity for a Legislator.

BOOK II: ESTABLISHMENT OF THE LAWS

Chapter I: End of Legislation[25]

Through the social Compact, we have given the body politic existence and life; the issue now is to give it movement and will through Legislation. For the original act which forms and unites this body does not thereby determine anything about what it should do to preserve itself. This is the noble objective to which the science of Legislation is devoted. But what is this science? Where should one look for a genius who knows it, and what virtues are necessary for the individual who dares to practice it? This research is noble and difficult; it is even discouraging for anyone who hopes to see the emergence of a well-instituted State.

Chapter II: On the Legislator[26]

Indeed, the discovery of the best rules of society that are suited to nations would require a superior intelligence, who knew all of men's needs but felt none of them; who had no relationship to our nature, yet saw all the relationships suited to it; whose happiness was independent of us, yet who was nevertheless willing to attend to ours. In short, a God would be needed to give the human race good laws; and just as Herdsmen are of a species superior to the Livestock they tend, so the Shepherds of men, who are their leaders, ought to be of a more excellent species than Peoples.

This reasoning, used by Plato with respect to right in defining the civil or Royal man he seeks in the *Statesman*, Caligula used in fact, according to Philo, to prove that the masters of the world were of a nature superior to the rest of mankind. But if it is true that a great Prince is a rare man, what about a great Legislator? For the former only has to follow the model that the latter should propose. The latter is the Mechanic who invents the machine; the former is only the workman who puts it together or starts it running. At the birth of societies says Montesquieu, the Leaders of Re-

publics create the institutions; thereafter it is the institutions that form the leaders of Republics.

One who thinks he is capable of forming a People should feel that he can, so to speak, change human nature. He must transform each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which this individual receives, in a sense, his life and his being. He must in a sense mutilate man's constitution in order to strengthen it; substitute a partial and moral existence for the physical and independent existence we have all received from nature. He must, in short, take away all man's own, innate forces in order to give him forces that are foreign to him and that he cannot make use of without the help of others. Now the more these natural forces are dead and destroyed, and the acquired ones great and lasting, the more the institution as well is solid and perfect. So that if each Citizen can do nothing except with all the others, and if the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, it may be said that Legislation has reached its highest possible point of perfection.

The Legislator is an extraordinary man in the State in all ways. If he should be so by his talents, he is no less so by his function. It is not magistracy; it is not sovereignty. This function, which constitutes the Republic, does not enter into its constitution. In a way, it is a particular and almost divine activity that has nothing in common with human dominion. For if one who commands men should not command laws, one who commands laws should also not command men. Otherwise his laws, being made to serve his passions, would often only perpetuate his injustices, and he could never avoid having private views alter the sanctity of his work. Thus the variations of written law prove the private motives that dictated the decisions: an immense, formless, contradictory compilation; the work of an imbecilic Emperor, a fallen woman, and a corrupt magistrate who published a law to authorize each violent act he wanted to commit.[27]

When Lycurgus wanted to give his fatherland Laws, he began by abdicating sovereignty. It was the custom of most Greek Cities to entrust the drafting of their laws to Foreigners. During its finest period, Rome revived in its midst all the crimes of Tyranny, and nearly perished as a result of combining Legislative authority and sovereign power in the same hands.

Not that it was ever imagined that the will of one man could become law without the consent of the People. But how can this consent be refused to someone who is known to be the master and in whom are combined the public confidence and force. Reasonable people have difficulty making themselves heard; weak people dare not speak; and the forced

silence of subjects has so often passed for tacit approval that since the Roman Emperors, who under the name Tribunes arrogated to themselves all the rights of the People, men have dared to place the will of the Prince above the law, even though the law is the only source of his authority.[28] But we are dealing with rights and not abuses.

He who drafts the laws, therefore, does not or should not have any legislative power. And the people itself cannot divest themselves of this Supreme right because according to the fundamental compact only the general will obligates private individuals, and one can never be assured that a private will is in conformity with the general will without submitting it to the free vote of the People.

If it is said that once an entire People has subjected itself voluntarily, solemnly, and without constraint to one man, all the objects of this man's will should, by virtue of this subjection, be considered as so many acts of the general will, one states a sophism which I have already refuted. I shall add that the voluntary and supposed subjection of the People is always conditional; that it is not given for the Prince's benefit but for its own; that if each private individual promises to obey without reservation, it is for the good of all; that in this situation the Prince also makes engagements on which those of the People depend, and that even under the most absolute despotism, he cannot break his oath without at the same moment relieving his subjects from theirs.

Even if a people were stupid enough to stipulate nothing in exchange for its obedience except the right to command it, this right would still be conditional in nature. To clarify this truth, it must be carefully noted that those who claim that a gratuitous promise rigorously obligates the one who makes it, nonetheless distinguish with care between promises that are purely gratuitous and those that contain some tacit, but obvious, conditions. In the latter case, they all agree that the validity of promises depends on the execution of the implied condition; for example, when a man engages himself in the service of another, he obviously assumes that this other man will give him food. Similarly, a People that chooses one or several Leaders for itself and promises to obey them, obviously assumes that its freedom, which is thereby alienated, will only be used to the people's own advantage; for without this the people would be insane and its engagements null. With regard to the same alienation extorted by force, I have already shown that it is null, and that one is obligated to obey force only as long as one is constrained to do so.

It is, therefore, always necessary to know whether the conditions are fulfilled and consequently whether the will of the Prince is really the general will, a question of which the People is the sole judge. Thus the laws

are like pure gold, which cannot be denatured by any possible operation and which the first test promptly returns to its natural form. Moreover, it is contrary to the nature of will, which has no dominion over itself, to engage itself for the future. One can obligate oneself to do, but not to will; and there is a great difference between executing what one has promised, because one has promised it, and continuing to will it, even when one has not previously promised to do so. Today's law should not be an act of yesterday's general will, but of today's, and we have engaged ourselves to do not what everyone has willed, but what everyone now wills, on the understanding that the sovereign, whose resolutions as sovereign concern only itself, is always free to change them. It follows from this that when the Law speaks in the name of the People, it is in the name of the People at present and not that of former times. Even existing Laws only have lasting authority insofar as the People, being free to revoke them, nonetheless does not do so, which proves current consent. Nor can it be doubted that in the assumed case, the Public will of the legitimate Prince obligates private individuals for as long as the Nation, being able to assemble and oppose it without any obstacle, gives no sign of disavowal.

These clarifications show that since the general will is the continuing bond of the body politic, the Legislator is never allowed, whatever his previous authorization might be, to act otherwise than by directing this same will by persuasion, nor to prescribe anything to private individuals that has not first received the sanction of general consent, for fear of destroying from the first operation the very essence of the thing one wants to form, and of breaking the social tie in trying to strengthen the society.

Therefore, I see two things together in the work of Legislation that seem mutually exclusive: an undertaking beyond all human force and, to execute it, an authority that amounts to nothing.

Another difficulty deserves attention. Wise men often made the mistake of using their own language rather than that of the common people; thus the people never understood them. There are a thousand kinds of ideas that have only one language and are impossible to translate for the People. Overly general views and overly remote objects are equally beyond its grasp. For example, each Individual, seeing no other aspect of government than his private happiness, has difficulty perceiving the advantages he should obtain from the continual deprivations imposed by good laws. In order for an emerging People to feel the noble maxims of justice and the fundamental rules of Statecraft, the effect would have to become the cause; the social spirit, which should be the result of the institution, would have to preside over the founding of the institution itself, and men

would have to be prior to laws what they should become by means of laws. Since the Legislator is unable to use either force or reasoning, he must necessarily have recourse to another order of authority, which can win over without violence and persuade without convincing.

This is what has always forced the Fathers of Nations to have recourse to celestial intervention and to honor the Gods with their own wisdom; so that the peoples, subjected to the laws of the State as to those of nature, and recognizing the same power in the formation of the physical body as in that of the moral body, might obey with freedom and bear with docility the yoke of public felicity. It is this sublime reason, which rises above the grasp of common men, whose decisions the Legislator places in the mouths of the immortals, in order to subjugate by means of divine authority those who cannot be moved by human prudence. But it is not every man who can make the Gods speak or be believed when he declares himself their interpreter. The grandeur of the things said in their name has to be sustained by superhuman eloquence and firmness. The fire of enthusiasm should be combined with profundity of wisdom and constancy of virtue. In short, the legislator's great soul is the true miracle that should prove his mission. Any man can engrave stone tablets, buy an oracle, pretend to have a secret relationship with some divinity, train a bird to talk in his ear, or find some other crude way to impress the People. One who knows only that much might even assemble, by chance, a crowd of madmen, but he will never found an Empire, and his extravagant work will soon die along with him. For if false tricks can form a fleeting bond, wisdom alone can make it durable. The Jewish Law, which is still in existence, and the law of the son of Ishmael, which has ruled half the world for eleven centuries, still bear witness today to the great men who formulated them; and whereas proud Philosophy or blind partisan spirit regards them merely as lucky imposters, the true Political Thinker admires in their institutions that great and powerful genius which presides over lasting establishments.

One must not conclude from all this, as Warburton does, that politics and Religion can have a common object, but rather that one sometimes serves as an instrument of the other. [Everyone is quite aware of the usefulness of political union for making certain opinions permanent and maintaining them as a body of doctrine and as a sect. And as for the contribution of Religion to the civil establishment, one also sees that it is no less useful to be able to give the moral tie an internal force that reaches into the soul and is always independent of goods, of misfortunes, of life itself, and of all human events.

I don't believe that this chapter contradicts what I said before concern-

ing the limited usefulness of the oath in the contract of society, for there is a great difference between remaining faithful to a State solely because one has sworn to do so, or because one considers its institution to be divine and indestructible.]

Chapter III: On the People to Be Founded[29]

Although I am dealing here with right and not with expediency, I cannot refrain from taking a passing glance at those matters of expediency which are indispensable to every good institution.

Just as a skillful Architect, before putting up a Building, observes and tests the ground to see whether it can bear the weight, so the Wise Founder does not start by drafting Laws at random, but first examines whether the people for whom he destines them is suited to bear them. For this reason, Plato refused to give laws to the Arcadians and Cyrenians, knowing that both were rich and could not tolerate equality. For this reason there were good Laws and wicked men in Crete, because Minos had disciplined only a People full of vices. A thousand nations that have long flourished on earth could never have tolerated good laws, and even those that could were only so disposed for a very short time during their entire existence. Peoples, like men, are easy to handle only in their youth. They become incorrigible as they grow older. Once customs are established and prejudices have taken root, it is a dangerous and foolhardy undertaking to want to touch them. People cannot even tolerate talk of making them happy, like those stupid and cowardly patients who tremble at the sight of a doctor. There are few Nations debased by Tyranny that care at all about freedom, and those that would still want it are no longer in condition to endure it.

To be sure, just as men's minds are unhinged and their memories of the past erased by certain illnesses, so there sometimes occur, during the lifetime of States, violent periods when revolutions have the same effect on peoples as do certain crises on individuals; when horror of the past is equivalent to amnesia, and when the State, set afire by civil wars, is reborn so to speak from its ashes and resumes the vigor of youth by escaping from death's clutches. Sparta in the time of Lycurgus and Rome after the Tarquins were like this; and among us so were Switzerland and Holland after the expulsion of the Tyrants.

But these events are rare; they are exceptions the reason for which can always be found in the particular constitution of the exceptional State. In general, peoples that are worn out by a long enslavement and the resulting vices lose both the love of Fatherland and the sentiment of happiness. They console themselves for their misfortune by imagining it is impos-

sible to be better off. They live together without any real union, like men grouped on the same piece of land but separated by deep ravines. Their misery is not in the least obvious to them because ambition blinds them and no one looks at the position he is in, but rather at the one to which he aspires.

A people in this State is no longer fit for a healthy institution, because its will is no less corrupt than its constitution. It has nothing more to lose; it cannot gain anything more. Dazed by enslavement, it scorns the good things it does not know. Disturbances can destroy it, but revolutions cannot reestablish it, and as soon as its chains are broken, it falls apart and no longer exists. Thus, henceforth it must have a master, and never a liberator.

A People that is not yet corrupt can have vices in its size that are not in its substance. Let me explain.

Just as nature has set limits to the stature of a well-formed man, outside of which there are only Giants or dwarfs, so with regard to the best constitution of a State there are limits to the dimensions it should have, in order that it be neither too large to be well governed, nor too small to be self-sustaining. It is hard to imagine anything more foolish than the maxims of those conquering Nations that believed they always increased their power by extending their territory beyond all measure. It is beginning to be obvious that every body politic has a *maximum* force which it cannot exceed, and of which it often falls short by growing larger. But perhaps it is not yet sufficiently obvious that the more the social bond stretches, the looser it becomes, and that in general a small State is always proportionately stronger than a large one.

Only a glance at history is needed to be convinced of this maxim by experience, and a thousand reasons can prove it. First, administration becomes more difficult over long distances, as a weight becomes heavier at the end of a large Lever. It also becomes more burdensome as the number of levels multiplies, because each City has its own administration paid for by the People; each district has one, again paid for by the People; next, each province; then, the large-scale governments—the satrapies and viceroyalties—that cost more the higher up one goes. Finally, there is the supreme administration which crushes everything. There barely remain resources for emergencies, and when it is necessary to have recourse to them, the State is always on the brink of ruin. The government has less vigor and speed to enforce the Laws, forestall harassment, correct abuses, and repress seditious undertakings that may occur in distant places. The People has less affection for leaders it never sees, for the fatherland which is like the whole world in its eyes, and for its Fellow Citizens most of

whom are foreigners to it. The same Laws cannot be suited to such a variety of Nations, which have different morals, live in contrasting climates, and cannot tolerate the same form of government. Different Laws only produce discord and confusion among Peoples who, living under the same leaders and in constant communication, continually move to each other's areas and, being subjected to other customs, are never sure whether their patrimony is really theirs. Talents are buried, virtues unknown, vice unpunished in this multitude of men who do not know one another and who are gathered together in one place by the location of the administration. Leaders overburdened with work see nothing by themselves. Finally, all the public attention is absorbed by the steps that must be taken to maintain everywhere the general authority, which so many distant officials always want to avoid or abuse. Nothing is left for the people's happiness, and there is barely anything left for its defense if necessary. And thus a State that is too big for its constitution always perishes, crushed by its own weight.

On the other hand, the State ought to procure a sufficient basis to be solid and withstand the upheavals it is sure to go through and the efforts it will be forced to sustain, for all peoples have a kind of centrifugal force by which they constantly act upon each other and tend to grow at the expense of their neighbors. Thus the weak risk being rapidly swallowed up, and one cannot hope to preserve oneself except by establishing a sort of equilibrium with all the others which approximately equalizes the pressure.

It is apparent from this that there are reasons to expand and reasons to shrink; and it is not the least of the Political Thinker's talents to find among these reasons the proportion most advantageous to the preservation of the State. In general it can be said that the former, being purely external and relative, should always be subordinated to the latter, which are interior and absolute. For a strong, healthy constitution is the first thing that must be sought, and one should rely more on the vigor born of a good government than on the resources furnished by a large territory.

Besides, there have been States so constituted that the necessity for conquests was in their constitution itself, and that were forced to grow endlessly to maintain themselves. Perhaps they congratulated themselves greatly for this happy necessity, though it showed them, along with the limit of their size, the inevitable moment of their downfall.

In order for the State to be well governed, its size—or, to be more precise, its extent—would have to be measured by the faculties of those who govern it; and given the impossibility that great geniuses will succeed one another endlessly in the government, calculations should be based on

average competence.[30] This explains why Nations that have grown under illustrious leaders necessarily decline in the hands of the imbeciles who never fail to succeed them, and why if the State is the least bit large, the Prince is almost always too small. When, on the contrary, it happens that the State is too small for its Leader, which is very rare, it is still badly governed, because the leader, always pursuing his grand views and ambitious plans, forgets the people's interests and by misusing his excessive talents, makes it no less unhappy than does a stupid leader who is limited by his lack of talents. The drawback of the administration of a Monarchy, even one that is well regulated, is most strongly felt when it is hereditary and the Leader is not chosen by the People but determined by birth. The Kingdom would, so to speak, have to expand or shrink with each reign depending on the competence of the Prince. In contrast, since the talents of a senate are more stable, the State can have invariable boundaries without causing the administration to suffer thereby.

Moreover, a fundamental rule for every well-constituted and legitimately governed society would be that all the members could be easily assembled every time this would be necessary, for it will be seen later that assemblies by deputation can neither represent the body nor receive from it sufficient powers to make laws in its name as sovereign.[31] From this it follows that the State ought to be limited to one Town at the most; and that if there are several, the Capital will always be sovereign in fact and the others subjects-a kind of constitution in which Tyranny and abuse are inevitable.

It must be noted that a body politic can be measured in two ways, namely by the extent of its territory or by the number of its People. There is a necessary ratio between these two numbers if the State is to be given its genuine size. For it is the men who make up the State and the land that feeds the men. This ratio consists in there being enough land for the maintenance of its inhabitants and as many inhabitants as can be fed by the land. The *maximum* force of a given number of People is to be found in this proportion, for if there is too much land, its defense is burdensome, its cultivation inadequate, and its output superfluous; if there is not enough land, the State finds itself dependent on its neighbors for the supplement.

The implications of this important topic would take us too far afield if we were to stop here to consider them. For example, it is certain that one could not calculate arithmetically a fixed ratio between the amount of land and the number of men that are mutually sufficient, as much because of differences in qualities of the terrain, its degrees of fertility, the nature of its products, and the influence of climate, as because of differences

noted in the temperaments of the men who inhabit them, some of whom consume little in a fertile country, others a great deal on more sterile soil. Moreover, attention must be paid to the greater or lesser fecundity of women, to whatever the country offers that is more or less favorable to population, to the numbers that the legislator can hope to attract there by means of what he establishes. Hence, the legislator's judgment should not always be based on what he sees, but on what he foresees; nor should he give as much consideration to the present state of the population as to the state it should naturally attain. Finally, there are a thousand occasions when the particular accidents of a place require or permit the inclusion of more or less land than appears necessary. Thus one expands considerably in mountainous country where natural products, namely woods and pastures, require less human labor; where experience shows that women are more fecund than on the plains; and where a large amount of sloping land provides only a small horizontal area, which is all that can be counted on for vegetation. On the contrary, it is possible to shrink by the sea, even on nearly barren rocks and sand, because fishing can substitute substantially for products of the land; because men should be gathered more closely together to repulse privateers and pirates; and because it is, in addition, easier to rid the country of surplus inhabitants by means of commerce and colonies.

To these conditions must be added one that cannot substitute for any other, but without which all the rest are useless: the enjoyment of prosperity and profound peace. For the time when a State is organized, like that when a battalion is formed, is the instant when the body is weakest, least capable of resisting, and easiest to destroy. There would be better resistance during absolute disorder than during a moment of ferment, when everyone is concerned about his status rather than the danger. Should a war, famine, or sedition occur in this time of crisis, the State is inevitably overthrown. To be sure, many governments are established during such storms, but then it is these very governments that destroy the State. Usurpers always bring about or choose these times of trouble, taking advantage of public panic to pass destructive Laws that the people would never adopt when calm. It can be said that the moment of the founding is one of the surest ways to distinguish the work of a Legislator from that of a Tyrant.

At the risk of repetition, let us recapitulate what the Legislator should consider before undertaking the founding of a People, for these considerations are important if time and authority are not to be used in vain.[32] First, he should not try to change the institution of a People that is already civilized, let alone try to restore an institution that has been abolished or

to revive worn-out mechanisms. For the force of laws is like the flavor of salt. Thus it is possible to create vigor in a People who never had any, but not to restore it in a people who has lost it. I consider this maxim fundamental. Agis tried to revive the discipline of Lycurgus in Sparta; the Maccabees wanted to restore Moses' Theocracy in Jerusalem; Brutus wanted to restore Rome's ancient freedom; Rienzi tried to do the same thing later. All were Heroes, even the last one for a brief time in his life. All died in the course of their undertaking.

Every large Nation is incapable of discipline. A State that is too small lacks stability. But average size sometimes does no more than to combine these two defects.

It is necessary, furthermore, to take the surrounding area into consideration. What enabled the small Greek States to survive was the fact that they were themselves surrounded by other small States, and that all together they were as good as a very big one when they united through common interest. It is an unfortunate position to be between two powerful neighbors who are jealous of each other. It is hard to avoid getting involved in their quarrels and being crushed along with the weaker of the two. Any State that is an enclave within another should be counted as nothing. Any State too big for its inhabitants or overpopulated for its territory is hardly worth more, unless this imbalance is accidental and there is a natural force that returns things to their correct proportion.

Finally, the circumstances must be taken into consideration, because, for example, one should not talk about rules to starving People, nor about reason to fanatics; and war, which silences existing laws, can hardly allow for their establishment. But famine, frenzy, and war do not last forever. There is scarcely any man or people who will not listen to reason at some better period and some moment of his life. That is the instant that must be seized.

What People, then, is suited for Legislation? One that has never yet borne the yoke of laws, that has neither customs nor superstitions that are entrenched, yet is already bound by some union of origin or interest. One that does not risk being crushed by a sudden invasion and can, without becoming involved in its neighbors' quarrels, resist each alone or use the help of one to drive away another. One whose members can all be known to each other, and where it is not necessary to impose on any man a greater burden than a man can bear. One that does not depend on other peoples and on whom no other people depends.* One that is

* If one of two neighboring peoples could not do without the other, the situation would be very hard for the former, but very dangerous for the latter. in such a case, any wise nation will very quickly try to relieve the other of its dependency.

neither rich nor poor and is self-sufficient. In short, one that combines the stability of an ancient People with the docility of a young People. What makes the work of legislation difficult is not so much what must be established as what must be destroyed. And what makes success so rare is the impossibility of finding the simplicity of nature together with the needs of society. All these conditions are hard to find together, I admit; hence one sees few well-constituted States.

Chapter IV: On the Nature of Laws and the Principle of Civil Justice[33]

Whatever is good and in accordance with order is so by the nature of things, independently of all human convention.

All justice comes from God; He alone is its source. But if we knew how to receive it from on high, we would need neither government nor laws. There is without doubt a universal justice for man emanating from reason alone and founded on the simple right of humanity; but to be acknowledged, this justice must be reciprocal. Considering things from a human point of view, the laws of justice are ineffectual between men for want of a natural sanction; they only profit wicked people and burden the just man should the latter observe them toward all men while no one observes them toward him. Therefore, there must be conventions and laws to combine rights with duties and to bring justice back to its object. In the state of nature where everything is common, I owe nothing to those to whom I have promised nothing; I recognize nothing as belonging to someone else except what is useless to me.

But it is important to explain here what I mean by the word law. Because as long as one is satisfied to attach vague, metaphysical ideas to this word, one could know what a law of nature is, yet continue to be ignorant of what a law is in the State.

We have said that the Law is a public, solemn Act of the general will, and since everyone has subjected himself to this will through the fundamental compact, it is from this compact alone that all Law derives its force. But let us try to give a more precise idea of this word *law* taken in the proper, restricted sense relevant to this Work.

The matter and form of Laws constitute their nature. The form consists of the authority that enacts laws; the matter consists of the thing enacted. The latter, which is the only part considered in this chapter, seems to have been badly understood by those who have discussed Laws.

As the thing enacted is necessarily related to the common good, it follows that the object of the law should be general, as is the will dictating it; and it is this double universality which creates the true character of

the Law. Indeed, when a particular object has different relationships to different individuals, each one having its own will concerning this object, there is no general will that is perfectly unified concerning this individual object.

What do these words *Universality* and *Generality*—which are the same here—signify? The genus considered as an abstraction, or what is suited to the whole in question; and the whole is such only with respect to its parts. That is why the general will of a whole People is not general for an individual foreigner, because that private individual is not a member of this people. Now the moment a People considers a particular object, even if it is one of its own members, a relation between the whole and its part is formed which makes of them two separate Beings, one of which is the part and the other of which is the whole minus that part. But the whole minus a part is not the whole, and for as long as this relationship lasts, there is no whole, but rather two unequal parts.

On the contrary, when the entire people enacts something concerning the entire People, it considers only itself, and if a relationship is formed then, it is between the whole object viewed in one way and the whole object viewed in another, without any division of the whole. Then the object of the enactment is general like the will that enacts, and it is this act that I call a Law.

When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and actions by their genera or species, never one man in particular or one unique individual action. Thus the law can very well enact that there will be privileges, but it cannot confer them on anyone by name. It can create several Classes of Citizens, and even designate the qualities determining who has a right to each of these Classes, but it cannot specify the particular people to be admitted to them. It can establish a Royal government and hereditary Succession, but it cannot elect a King or name a Royal family. In short, any function that relates to an individual object does not belong to the legislative power [and that is one of the reasons why the law cannot be retroactive, because it would be an enactment concerning a particular fact rather than enacting generally on a species of actions that have not yet been done by anybody and that, therefore, have nothing individual about them until after the publication of the law and by the will of those who perform them].

Given this idea, one easily sees that it is no longer necessary to ask who should make laws, since they are acts of the general will, nor whether the Prince is above the Laws, since he is a member of the State; nor whether the law can be unjust, since no one is unjust toward himself; nor how one is free yet subject to the laws, since they merely record our wills.

Furthermore, one sees that since the Law combines the universality of the will and the object, what any man, whoever he may be, orders on his own authority is not a Law. Whatever is ordered even by the Sovereign concerning a particular object is not a law either, but rather a Decree, nor is it an act of sovereignty but of magistracy, as I shall explain later.

The greatest advantage of this concept is that it shows us clearly the true foundations of justice and natural right.[34] Indeed, the first law, the only truly fundamental law that flows directly from the social compact, is that each man prefer the greatest good of all in all things.

Now the specification of the actions that contribute to this greatest good, by means of a number of particular laws, is what constitutes right in the narrow, positive sense. Everything that is seen to contribute to this greatest good, but that laws do not specify, constitutes acts of civility,* of goodwill; and the habit that disposes us to practice these acts even to our own disadvantage is what is called strength or virtue.

Extend this maxim to the general society of which the State gives us an idea. Protected by the society of which we are members or by the one in which we live, the natural repugnance to do evil is no longer counterbalanced in us by the fear of being wronged, and we are simultaneously moved by nature, by habit, and by reason to treat other men approximately as we do our Fellow Citizens. From this disposition, transformed into actions, arise the rules of rational natural right, different from natural right properly so called, for the latter is based only on a true but very vague sentiment that is often stifled by love of ourselves.

This is how the first concepts of the just and unjust are formed in us, for law comes before justice and not justice before law; and if law cannot be unjust, it is not because justice is its basis, which might not always be true, but because it is contrary to nature for one to want to harm himself, which is true without exception.

It is a beautiful and sublime precept to do unto others as we would have done unto ourselves, but isn't it evident that far from providing a basis for justice, this precept is itself in need of a basis? For where is the clear, solid reason for me, just as I am, to behave according to the will I would have if I were someone else? Furthermore, it is clear that this precept is subject to a thousand exceptions for which only sophistic explanations have been given. Wouldn't a judge who condemns a criminal want to be absolved if he were a criminal himself? Where is the man who would not want never to be refused anything? Does it follow that we

* I do not need to caution, I think, that this word must not be understood in the French manner.[35]

must grant everything that is asked of us? What is the basis of that other axiom, *cuique suum*, which serves as the basis of all right of property, if not the right of property itself?[36] And if I do not say, along with Hobbes, everything is mine, why wouldn't I at least recognize as mine in the state of nature all that is useful to me and that I can get hold of?

The true principles of the just and unjust must, therefore, be sought in the fundamental and universal Law of the greatest good of all, and not in the private relations between one man and another; and there is no particular rule of justice that cannot be easily deduced from that first law. Hence *cuique suum*, because private property and civil freedom are the bases of the community. Hence *love thy neighbor as thyself*, because the private self extended to the whole is the strongest bond of the general society, and because the State has the highest degree of force and life it can have when all our private passions are combined in it. In short, there are a thousand cases when it is an Act of justice to harm one's neighbor, whereas every just Action necessarily has as its rule the greatest common utility; this is without exception.

Chapter V: Classification of Laws[37]

Various relations have to be considered in order to organize the whole or give the commonwealth the best possible form. First, the action of the entire body acting upon itself—that is, the relationship of the whole to the whole, or of the sovereign to the State; and this relationship is composed of the relationship of intermediary forces, as we shall see later. The laws that regulate this relationship are named political Laws and are also called fundamental Laws, not without a degree of reason if these laws are wise. For if there is only one correct way to organize each State, the people that has found it should never change anything in it, but if the established order is bad, why should one accept, as fundamental, laws that prevent it from being good? Besides, in any event the People always has the power to change its laws, even the best; for if it pleases a man to harm himself, who has the right to prevent him from doing so?

The second relation is that of the members to each other or to the entire body. And this relationship should be as small as possible with respect to the former and as large as possible with respect to the latter, so that each Citizen is in a position of perfect independence from all the others and of excessive dependence upon the City. This is always achieved by the same means, because only the force of the State creates the freedom of its members. It is from this second relationship that civil laws arise.

The laws that regulate the exercise and form of sovereign authority with respect to private individuals were called Laws of Majesty in Rome,

such as the one that forbade appealing Popular judgments to the senate and the one that made the person of the Tribunes sacred and inviolable.

As for the particular laws regulating the respective duties and rights of the Citizens, they are called civil Laws with respect to domestic relations and the property of goods, and police with regard to good public order and the safety of people and things.

It is possible to consider a third type of relation between man and the law, namely that of disobedience and penalty. And this gives rise to the establishment of criminal laws, which are basically not so much a particular type of law as a sanction for all the others.

To these three types of laws is added a fourth, the most important of all; which is not engraved on marble or bronze, but in the hearts of the citizens; which is the genuine constitution of the State; which gains fresh force each day; which, when other laws age or die out, revives or replaces them, preserves a people in the spirit of its institution, and imperceptibly substitutes the force of habit for that of authority. I am speaking of morals and customs—a part of the laws unknown to our political thinkers, but on which the success of all the others depends; a part to which the great Legislator attends in secret, while appearing to limit himself to the particular regulations that are merely the sides of the arch of which morals, slower to arise, form at last the unshakable keystone.

Among these various types of laws, I limit myself in this Work to the discussion of political laws.

Chapter VI: On Various Systems of Legislation[38]

If one seeks to define precisely what constitutes that greatest good of all which ought to be the basis of every system of legislation, one will find that it comes down to these two principal objects: *freedom* and *equality*. Freedom, because all private dependence is that much force subtracted from the body of the State; equality, because freedom cannot last without it.

I have already said what civil freedom is. With regard to equality, this word must not be understood to mean that degrees of power and wealth should be exactly the same, but rather with regard to power, it should be incapable of all violence and never exerted except by virtue of status and the laws; and with regard to wealth, no Citizen should be so opulent that he can buy another, and none so poor that he is constrained to sell himself. This presumes moderation in goods and influence on the part of the Upper Classes and moderation in avarice and covetousness on the part of the lower classes. This equality is said to be a speculative fantasy that cannot exist in practice. What? Because an effect is inevitable, does

it follow that it must not at least be regulated? It is because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it.

But these general objects of all good institutions should be modified in each country according to the relationships that arise as much from the local situation as from the character of the inhabitants; and it is on the basis of these relationships that each People must be assigned a particular system of legislation that is the best, not perhaps in itself, but for the State for which it is destined. For example, is the soil unprofitable and barren, or the country too small for its inhabitants? Turn to industry and the Arts, the products of which can be exchanged for the foodstuffs you lack. On the contrary, do you inhabit rich plains and fertile hillsides? Do you lack inhabitants on good terrain? Apply all your efforts to agriculture, and chase out the arts for fear that they may complete the country's depopulation by concentrating its small number of inhabitants in a few locations—for it is known that, all things being equal, the population expands less in Towns than in the countryside. Do you inhabit extensive, convenient shores? Cover the seas with ships, cultivate commerce and navigation. Is your coast merely a place where the sea meets almost inaccessible rocks? Remain Barbarians and Fish Eaters; you will live more peacefully, better perhaps, and surely more happily. In short, apart from the maxims common to all, each People contains within itself some cause that organizes it in a particular manner and renders its legislation appropriate for it alone. Thus the Hebrews long ago and the Arabs recently have had Religion as their principal object; the Athenians, Letters; Carthage and Tyre, commerce; Rhodes, navigation; Sparta, war; and Rome, virtue. The Author of *The Spirit of Laws* has given a large number of examples of the art by which the Legislator directs the institution toward each of these objects.

The constitution of a State is made truly solid and enduring when matters of expediency are so well observed that natural relationships and the Laws always agree on the same points and the latter only secure, accompany, and rectify, so to speak, the former. But if the Legislator makes a mistake about his objective and adopts a different principle from the one arising from the nature of things—whether one tends toward servitude and the other toward freedom, one toward wealth and the other toward population growth, or one toward peace and the other toward conquest—the Laws will imperceptibly weaken, the constitution will be altered, and the State will not cease being agitated until it is either destroyed or changed, and invincible nature has regained its Dominion.

BOOK III: ON POLITICAL LAWS, OR ON THE INSTITUTION OF GOVERNMENT[39]

Before discussing the various forms of government, it will be well to determine the precise meaning that must be given to this word in a legitimate society.

Chapter I: What the Government of a State Is

I warn Readers that this chapter requires close attention and that I do not know the art of being clear for those who are not willing to be attentive.

Every free action has two causes that combine to produce it. One is moral, namely the will that determines the act; the other is Physical, namely the power that executes it. When I walk toward an object, I must first want to go there and in the second place my feet must take me there. A paralyzed man who wants to run or an agile man who does not want to do so will both remain where they are. The body politic has the same motivating causes; force and will are distinguishable within it in the same sense, the latter under the name Legislative power and the former under the name executive power.* Nothing is or should be done there without their cooperation.

We have seen that the legislative power belongs to the people and can belong only to it. It is easy to see similarly, that the executive power cannot belong to the People.

[On Civil Religion][41]

As soon as men live in society, they must have a Religion that keeps them there. A people has never subsisted nor ever will subsist without Religion, and if it were not given one, it would make one itself or would soon be destroyed. In every state that can require its members to sacrifice their lives, anyone who does not believe in the afterlife is necessarily a coward or a madman. But we know only too well the extent to which the hope of an afterlife can bring a fanatic to scorn this life. Take away this fanatic's visions and give him the same faith as the reward for virtue, and you will turn him into a true citizen.

Considered in relation to society, Religion can be divided into two types, namely the Religion of man and that of the Citizen. The former,

* I say executive and legislative, not executor's and legislator's, because I treat these two words as adjectives. In general, I do not attach great importance to all these grammatical trifles, but I believe that in didactic works one should frequently pay less attention to usage than to analogy, when the latter makes the meaning more exact.[40]

without temples, altars, or rituals, limited to the purely spiritual cult of the supreme God and to the eternal duties of morality, is the pure and simple Religion of the Gospel, or true Theism. The latter, confined so to speak to a single country, gives it its own tutelary Gods; its ceremonies, its rituals, its external cult are prescribed by the laws. Outside of the single nation that observes it, everything else is considered infidel, foreign, barbarous; it only extends the duties and rights of man as far as its Gods and its laws. Such were the Religions of all ancient peoples, without any exception.

There is a third, more bizarre type of Religion that gives men two leaders, two laws, and two fatherlands, subjects them to contradictory duties, and prevents them from ever being simultaneously pious men and citizens. The Religion of the Lamas is like this, as is that of the Japanese and Roman Catholicism. It can be called the Religion of the Priest.

Considered from a political point of view, each of these three types of Religion has its faults. The third is so manifestly bad that it is a waste of time to amuse oneself by proving it.

The second is good in that it combines the divine cult and love of the laws, and by making the fatherland the object of the citizen's adoration, it teaches them that to serve the State is to serve God. It is a kind of Theocracy in which the State ought to have no priests other than its magistrates. Then, to die for one's country is to be martyred, to disobey the laws is to be impious and sacrilegious, and to subject a criminal to public execration is to deliver him to the celestial anger of the Gods: *sacer estod*.

But this religion is bad in that, being based on error and falsehood, it deceives men, makes them credulous and superstitious, and drowns the true cult of divinity in empty ceremonial. It is bad, too, whenever it becomes exclusive and tyrannical and makes a people bloodthirsty and intolerant to the point where it lives only for murder and massacre, and believes it performs a holy act by killing whoever does not accept its gods and its laws. It is not permissible to strengthen the bond of a particular society at the expense of the rest of the human race.

If under paganism, when each state had its cult and its tutelary Gods, there were no wars of Religion, it was for the very reason that each state, having its own particular cult as well as its government, did not distinguish between its Gods and its laws. War, by being purely civil, was everything it could possibly be. The departments of the Gods were, so to speak, fixed by the boundaries of nations. The God of one people had no rights over another people. The Gods of the pagans were not jealous Gods. They divided dominion over the world peacefully among themselves, and watched its division by mortals without concern. The

obligation to embrace a religion came only from that of being subject to the laws that prescribed it. Therefore, since there was no other way to convert a people except to subjugate it, it would have been ridiculous to say "worship my Gods or I will attack you." As the obligation to change cult was tied to victory, it was necessary to start by winning before talking about it. In short, far from men fighting for the Gods, it was—as in Homer—the Gods who fought for the men. Before capturing a place, the Romans called upon its Gods to abandon it; and when they let the people of Tarantum keep their angry Gods, it was because at that point the Romans considered these Gods as subject to their own and forced to pay them homage. They let the vanquished keep their Gods as they let them keep their laws. A gold crown for the Capitoline Jupiter was often the only tribute they demanded.

Now if pagan superstition, despite this mutual tolerance and in the midst of culture and a thousand virtues, engendered so many cruelties, I do not see how it is possible to separate those very cruelties from that very zeal, and reconcile the rights of a national religion with those of humanity. It is better, then, to bind the citizens to the state by weaker and gentler ties, and to have neither heroes nor fanatics.

There remains the religion of man, or Christianity—not that of today, but that of the Gospel. Through this saintly, sublime, genuine Religion, men—children of the same God—all acknowledge one another as brothers, and the society that unites them is all the closer because it is not dissolved even by death. However, this same religion, having no particular relation to the constitution of the state, leaves political and civil laws with only the force that natural right gives them, without adding any other force to them; and because of this, one of the greatest supports of society remains without effect in the state.

We are told that a people of true christians would form the most perfect society that can be imagined. The most perfect in a purely moral sense, perhaps; certainly not the strongest or the most lasting. The people would be subject to the laws, the leaders would be fair, the soldiers would scorn death, I agree. But all that is not enough.

Christianity is a totally spiritual religion which detaches men from worldly things. The christian's fatherland is not of this world. He does his duty, it is true, but he does it with profound indifference for the outcome of the efforts he makes. It matters little to him whether things go well or badly here on earth. If the state is flourishing, he modestly enjoys the public felicity; if the state declines, he blesses the hand of God that weighs heavily on his people. In order for the society to be peaceful and for harmony to last, all citizens without exception would have to

be equally good christians. But if unfortunately there were an ambitious man or a hypocrite—a Catiline, for example, or a Cromwell—he would very certainly get the better of his pious compatriots. As soon as he has learned the secret of how to deceive them through some ruse and seize a part of the public authority for himself, at once he is powerful. It is God's will to obey him; he is the rod with which He punishes His children. It would be against conscience to chase out the usurper, for it would be necessary to shed blood, use violence, and disturb the public tranquillity. All of that is in no way consistent with the gentleness of a christian. And after all, what does it matter whether one is free or in chains in this vale of tears. The essential thing is to go to paradise, and resignation is but an additional means of doing so. A slave can be saved just as well as a free man.

What if a foreign war breaks out? The citizens march to combat, none of them thinks of fleeing; they do their duty, but they have little passion for victory. They know how to die rather than to win. What does it matter if they are victors or vanquished? Providence knows better than they what is good for them. Imagine how an impetuous, active, passionate enemy can take advantage of their stoicism. Confront them with those generous and proud peoples consumed by a burning love of glory and fatherland. Suppose that your christian republic is face to face with Sparta or Rome. The christians will be beaten, crushed, destroyed before they have had time to look around, or they will owe their salvation only to the scorn their enemies will conceive for them. The oath taken by the soldiers of Fabius was a fine one, it seems to me. They did not swear to win or to die; they swore to return as victors, and they did so. Christians would never dare take an oath like that, for they would believe they were tempting God.

But I am mistaken when I speak of a christian republic; these two words are mutually exclusive. Christianity preaches nothing but servitude and dependence. The spirit of Christianity is so favorable to tyranny that tyranny always profits from it. True christians are made to be slaves. They know it and are scarcely moved thereby; this brief life is of too little worth to them.

Christian troops are excellent, I shall be told. I deny this. Let someone show me some. For myself, I don't know of any christian troops. The crusades will be cited. Without arguing over the valor of the crusaders, I shall be content to remark that very far from being christians, they were soldiers of the priest. They were citizens of the Church fighting for their spiritual country. Properly understood, this amounts to paganism; since the Gospel is not a civil religion, any war of religion is impossible among christians.

Under the Pagan emperors, christian soldiers were brave; I can well believe it. There was a kind of war of honor between them and the pagan troops. As soon as the Emperors were christian, this emulation ceased and their troops did nothing more that was worth while.

Let us return to right and determine its principles. The right that the social compact gives the sovereign over the subjects does not exceed, as I have said, the limits of public utility. The subjects, therefore, do not have to account for their opinions to the sovereign, except insofar as these opinions matter to the community. Now it matters greatly to the state that each citizen have a Religion, but the dogmas of that Religion matter to it only insofar as they relate to morality. All others are outside of its competence, and everyone can have whatever opinions he pleases beyond that, without the sovereign having to know what they are.

There are positive dogmas, that the citizen should accept as advantageous to the society, and negative dogmas, that he should reject as harmful.

These various dogmas constitute a purely civil profession of faith that it is for the law to prescribe, not exactly as Religious dogmas, but as sentiments of sociability without which it is impossible to be a good citizen or a faithful subject. The law cannot obligate anyone to believe them, but it can banish from the State anyone who does not believe them. The law can banish him not for being impious, but for being unsociable; for being incapable of sincerely loving the laws, justice, the fatherland, and of giving his life, if need be, for his duties.

Every citizen should have to pronounce this profession of faith before the magistrate, and give express recognition to all the dogmas. If someone does not acknowledge them, he should be cut off from the city, but he should be allowed to take all his goods away with him in peace. If someone who has acknowledged these dogmas behaves as though he does not believe them, he should be punished with death. He has committed the greatest of crimes: he lied before the laws.

The dogmas of the civil Religion will be simple, few in number, stated with precision, and without explanation or commentary: the existence of a beneficent, powerful, intelligent, foresighted, and providential divinity; the afterlife; the happiness of the just and the punishment of the wicked; the sanctity of the social contract and the laws. These are the positive dogmas. As for the negative ones, I limit them to a single one: intolerance.

Those who make a distinction between civil and Ecclesiastical intolerance are mistaken. One leads necessarily to the other; these two intolerances are inseparable. It is impossible to live in peace with people whom one believes are damned. To love them would be to hate God who punishes them. They must necessarily be either converted or persecuted. A

necessary and indispensable article in the civil profession of faith is therefore as follows: I do not believe that any person is guilty before God for not thinking as I do about His cult.

I shall go further. It is impossible for intolerant men joined by the same dogmas ever to live in peace among themselves. As soon as they have the right to inspect one another's faith, they all become enemies, alternatively persecuted and persecutors, one against all and all against one. The intolerant person is Hobbes's man; intolerance is war with humanity. The society of the intolerant is like that of demons: they only agree in order to torment each other. The horrors of the inquisition never prevailed except in countries where everyone was intolerant. In these countries, it is purely a matter of chance that the victims are not the executioners.

You must think as I do in order to be saved. This is the horrible dogma that desolates the world. You will never do anything for public peace if you do not remove this infernal dogma from the city. Whoever does not find it execrable can be neither christian, citizen, nor man; he is a monster who must be sacrificed for the sake of the tranquillity of the human race.

Once this profession of faith is established, it should be solemnly renewed each year, and this solemnity should be accompanied by an august and simple cult of which the magistrates alone are the ministers, and which revives love of the fatherland in all hearts. That is all the sovereign is permitted to prescribe concerning religion. Beyond this, one should allow the introduction of all opinions that are not contrary to the civil profession of faith and all cults that are compatible with the public cult. And neither religious disputes nor holy wars should be feared. No one will think of refining the dogmas when there is so little interest in discussing them. No apostle or missionary will have the right to come and criticize the errors of a Religion that serves as the basis for all the religions in the world and that condemns none of them. And if someone comes to preach his horrible intolerance, he will be punished without disputation against him. He will be punished as seditious and rebellious against the laws, unless he prefers to go and relate his martyrdom in his own country. It was very difficult for the ancients to get the idea of those trouble-making, seditious men called missionaries. Thus the advantages of the religion of man and the religion of the citizen will be combined. The state will have its cult and will not be the enemy of anyone else's. With divine and human laws being always united on the same object, the most pious theists will also be the most zealous citizens, and the defense of the holy laws will be the glory of the God of men.

Now that there is no longer and can never again be an exclusive national religion, one should tolerate all those religions that tolerate

others, provided that their dogmas are in no way contrary to the duties of the Citizen. But whoever says there is no salvation outside of the Church should be chased out of the state, unless the State is the Church. This intolerant dogma should be accepted only in a Theocratic government; in any other it is absurd and pernicious.

[The Marriage of Protestants][42]

It is clear that the civil registration of marriage ought to entail all the civil consequences, such as the status and name of children, the inheritance of goods, etc. The consequences of the sacrament ought to be purely spiritual. But this is not so at all. Everything has been so confounded that the status of citizens and the inheritance of goods depend solely on priests. It is absolutely up to the clergy whether not a single legitimate child is born in the whole Kingdom of France, whether no citizen has a right to his father's goods, and whether thirty years from now all of France will be populated solely by bastards. As long as the functions of Priests have civil consequences, the Priests will be the true magistrates. The assemblies of the clergy of France are, in my opinion, the real government of the nation.

Do you want a certified, yet almost unbelievable example of this? You need only consider how the protestants in the kingdom are treated.

I see no reason why the clergy of France could not extend to all citizens, whenever it wishes to do so, the rights it currently exercises toward French protestants. Once experience proved how greatly the revocation of the Edict of Nantes weakened the monarchy, there was a desire to retain in the Kingdom, along with the remainder of the persecuted sect, the only remaining source of subjects. Ever since then, these unfortunates, reduced to the most horrible situation in which any people has found itself since the world began, can neither stay nor flee. They are allowed to be neither foreigners, nor citizens, nor men. The very rights of nature are taken from them. Marriage is forbidden; and divested all at once of fatherland, family, and goods, they are reduced to the status of beasts. Consider how this unheard-of treatment follows from a sequence of badly conceived principles. The laws of the kingdom have prescribed the solemn forms that legitimate marriages should take, and this is very well conceived. But the administration of these forms has been attributed by laws to the clergy, and combined with the so-called sacrament. The clergy for its part refuses to administer the sacrament to anyone who is not a child of the Church, and one cannot criticize this refusal as unjust. The protestant, therefore, cannot marry according to the forms prescribed by the laws without renouncing his religion, and the magistrate recognizes

as legitimate marriages only those which satisfy the forms prescribed by the laws. Thus the protestant people is simultaneously tolerated and outlawed. There is simultaneously the wish for them to live and to die. In vain does the unfortunate man marry and in his misery respect the purity of the bond he has established. He sees himself condemned by the magistrates, his family divested of his goods, his wife treated as a concubine and his children as bastards. All of it, as you see, juridically and in consequence of the laws. This situation is unique, and I hasten to put down my pen for fear of yielding to the natural cry which rises and laments to its author.

Experience teaches that of all the christian sects, protestantism, as the wisest and gentlest, is also the most peaceful and social. It is the only one in which the laws can maintain their dominion and the leaders their authority.

FRAGMENTS

[The following fragments are found in the *Geneva Manuscript*, on the back of various pages. Fragment 5 appears in the eleventh paragraph of *Social Contract*, I, iv.]

1. That sovereignty is indivisible.

2. Moral signs are uncertain, difficult to calculate. Safety, tranquillity, freedom itself.

3. Several peoples, in the midst of wars and internal dissensions, nonetheless multiply rapidly. In other governments, on the contrary, peace itself is devouring and consumes the Citizens.

4. In a free state, men, often gathered among themselves, live very little with women. The laws of Sparta, rather than guaranteeing property, destroyed it. Where the laws were the morals, the morals became the laws.

5. But it is clear that this supposed right to kill the conquered in no way comes from the state of war. War is not a relation between men, but between powers, in which the private individuals are enemies only by accident, less as citizens than as soldiers. The foreigner who robs, pillages, and detains subjects without declaring war on the prince is not an enemy but a brigand; and even in the midst of war a just prince seizes everything in an enemy country that belongs to the public, but respects the person and goods of private individuals. He respects the rights on which his own power is based. The end of war is the destruction of the enemy State. One has the right to kill its defenders as long as they are armed, but as soon as they lay down their arms and surrender, they cease to be enemies, or

rather instruments of the enemy, and one no longer has a right to their lives. One can kill the state without killing a single one of its members. War confers no right that is not necessary to its end.

[The following fragment appears in the Vaughan edition, but not in the Pléiade.]

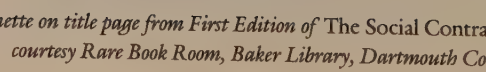
The pope is the true king of kings in the Roman Church. The entire division of peoples into States and governments is only apparent and illusory. At bottom, there is only one State in the Roman Church. The true magistrates are the bishops, the clergy is the sovereign, the citizens are the priests; laymen are nothing at all. It should . . .

ON THE SOCIAL CONTRACT, or PRINCIPLES OF POLITICAL RIGHT[1]

By J.-J. Rousseau
Citizen of Geneva[2]

—foederis aequas
Dicamus leges.
Aeneid XI[3]

Amsterdam
Chez MARK MICHEL REY
MDCCLXII



Vignette on title page from First Edition of The Social Contract, *Type B, courtesy Rare Book Room, Baker Library, Dartmouth College.*

ON THE SOCIAL CONTRACT

Contents

Book I

Inquiring how man passed from the state of nature to the civil state, and what the essential conditions of the compact are.

I. Subject of This First Book 131
II. On the First Societies 132
III. On the Right of the Strongest 133
IV. On Slavery 134
V. That It Is Always Necessary to Go Back to a First Convention 137
VI. On the Social Compact 138
VII. On the Sovereign 139
VIII. On the Civil State 141
IX. On Real Estate 142

Book II

Discussing legislation.

I. That Sovereignty Is Inalienable 145
II. That Sovereignty Is Indivisible 145
III. Whether the General Will Can Err 147
IV. On the Limits of the Sovereign Power 148
V. On the Right of Life and Death 150
VI. On Law 152
VII. On the Legislator 154
VIII. On the People 157
IX. On the People—Continued 159
X. On the People—Continued 160
XI. On Various Systems of Legislation 162
XII. Classification of Laws 164

Book III

Discussing political laws; that is, the form of the government.

I. On Government in General 166
II. On the Principle That Constitutes the Various Forms of Government 170
III. Classification of Governments 172
IV. On Democracy 173
V. On Aristocracy 174
VI. On Monarchy 176
VII. On Mixed Governments 180
VIII. That All Forms of Government Are Not Suited to All Countries 181
IX. On the Signs of a Good Government 185
X. On the Abuse of Government and Its Tendency to Degenerate 186
XI. On the Death of the Body Politic 188
XII. How the Sovereign Authority Is Maintained 189
XIII. How the Sovereign Authority is Maintained—Continued 190
XIV. How the Sovereign Authority is Maintained—Continued 191
XV. On Deputies or Representatives 191
XVI. That the Institution of the Government Is Not a Contract 194
XVII. On the Institution of the Government 195
XVIII. The Way To Prevent Usurpations by the Government 196

Book IV

Continuing the discussion of political laws, the ways to strengthen the constitution of the State are presented.

I. That the General Will Is Indestructible 198
II. On Voting 199
III. On Elections 201
IV. On the Roman Comitia 203
V. On the Tribunate 211
VI. On Dictatorship 212
VII. On Censorship 214
VIII. On Civil Religion 216
IX. Conclusion 224

Foreword

This short treatise is taken from a more extensive work, which I undertook in the past without considering my strength, and have long since abandoned. Of the various segments that could be taken from what had been done, this is the most considerable, and seemed to me the least unworthy of being offered to the public. The rest no longer exists.[4]

BOOK I

I want to inquire whether there can be a legitimate and reliable rule of administration in the civil order, taking men as they are and laws as they can be. I shall try always to reconcile in this research what right permits with what interest prescribes, so that justice and utility are not at variance.[5]

I start in without proving the importance of my subject. It will be asked if I am a prince or a legislator to write about Politics. I reply that I am neither, and that is why I write about Politics. If I were a prince or a legislator, I would not waste my time saying what has to be done. I would do it, or keep silent.[6]

Born a citizen of a free State, and a member of the sovereign, the right to vote there is enough to impose on me the duty of learning about public affairs, no matter how feeble the influence of my voice may be. And I am happy, every time I meditate about Governments, always to find in my research new reasons to love that of my country![7]

Chapter I: Subject of This First Book

Man was/is born free, and everywhere he is in chains.[8] One who believes himself the master of others is nonetheless a greater slave than they. How did this change occur? I do not know. What can make it legitimate? I believe I can answer this question.

If I were to consider only force and the effect it produces, I would say that as long as a People is constrained to obey and does so, it does well; as soon as it can shake off the yoke and does so, it does even better. For in recovering its freedom by means of the same right used to steal it, either the people is justified in taking it back, or those who took it away were not justified in doing so. But the social order is a sacred right that serves as a basis for all the others. However this right does not come from nature; it is therefore based on conventions. The problem is to know what these conventions are. Before coming to that, I should establish what I have just asserted.

Chapter II: On the First Societies

The most ancient of all societies, and the only natural one, is that of the family.[9] Yet children remain bound to the father only as long as they need him for self-preservation. As soon as this need ceases, the natural bond dissolves. The children, exempt from the obedience they owed the father, and the father, exempt from the care he owed the children, all return equally to independence. If they continue to remain united, it is no longer naturally but voluntarily, and the family itself is maintained only by convention.[10]

This common freedom is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those he owes himself; and as soon as he has reached the age of reason, as he alone is the judge of the proper means of preserving himself, he thus becomes his own master.

The family is therefore, if you wish, the first model of political societies. The leader is the image of the father, the people are the image of the children; and since all are born equal and free, they only alienate their freedom for their utility. The entire difference is that in the family, the father's love for his children rewards him for the care he provides; whereas in the State, the pleasure of commanding substitutes for this love, which the leader does not have for his people.

Grotius denies that all human power is established for the benefit of those who are governed. He cites slavery as an example.[11] His most persistent mode of reasoning is always to establish right by fact.* One could use a more consistent method, but not one more favorable to Tyrants.

It is therefore doubtful, according to Grotius, whether the human race belongs to a hundred men, or whether these hundred men belong to the human race; and throughout his book he appears to lean toward the former view. This is Hobbes's sentiment as well. Thus the human species is divided into herds of livestock, each with its leader, who tends it in order to devour it.[13]

As a herdsman's nature is superior to that of his herd, so the shepherds of men, who are their leaders, are also superior in nature to their peoples. The emperor Caligula reasoned thus, according to Philo, concluding rather well from this analogy that the kings were Gods or that people were beasts.

*"Learned research on public right is often merely the history of ancient abuses, and people have gone to a lot of trouble for nothing when they have bothered to study it too much." *Treatise on the Interests of France in Relation to Her Neighbors, by M. le Marquis d'Argenson* (printed by Rey in Amsterdam).[12] This is exactly what Grotius has done.

Caligula's reasoning amounts to the same thing as that of Hobbes and Grotius. Before any of them, Aristotle too had said that men are not naturally equal, but that some are born for slavery and others for domination.[14]

Aristotle was right, but he mistook the effect for the cause. Every man born in slavery is born for slavery; nothing could be more certain. Slaves lose everything in their chains, even the desire to be rid of them. They love their servitude as the companions of Ulysses loved their brutishness.* If there are slaves by nature, therefore, it is because there have been slaves contrary to nature. Force made the first slaves; their cowardice perpetuated them.

I have said nothing about king Adam or emperor Noah, father of three great monarchs who divided up the universe among themselves, as did the children of Saturn who have been identified with them. I hope this moderation will be appreciated, for as I am a direct descendant of one of these Princes, and perhaps of the eldest branch, how am I to know whether, through the verification of titles, I would not discover that I am the legitimate king of the human race? However that may be, it cannot be denied that Adam was Sovereign of the world, like Robinson of his island, as long as he was its only inhabitant. And what was convenient in that empire was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.[16]

Chapter III: On the Right of the Strongest

The strongest is never strong enough to be the master forever unless he transforms his force into right and obedience into duty.[17] This leads to the right of the strongest, a right that is in appearance taken ironically and in principle really established. But won't anyone ever explain this word to us? Force is a physical power. I do not see what morality can result from its effects. Yielding to force is an act of necessity, not of will. At most, it is an act of prudence. In what sense could it be a duty?

Let us suppose this alleged right for a moment. I say that what comes of it is nothing but inexplicable confusion. For as soon as force makes right, the effect changes along with the cause. Any force that overcomes the first one succeeds to its right. As soon as one can disobey without punishment, one can do so legitimately, and since the strongest is always right, the only thing to do is to make oneself the strongest. But what is a right that perishes when force ceases? If it is necessary to obey by force, one need not obey by duty, and if one is no longer forced to obey, one

* See a short treatise by Plutarch entitled *That Animals Reason*.[15]

is no longer obligated to do so. It is apparent, then, that this word right adds nothing to force. Here it signifies nothing at all.

Obey those in power.[18] If that means yield to force, the precept is good, but superfluous; I reply that it will never be violated. All power comes from God, I admit, but so does all illness. Does this mean it is forbidden to call the doctor? If a brigand takes me by surprise at the edge of a woods, must I not only give up my purse by force; am I obligated by conscience to give it even if I could keep it away? After all, the pistol he holds is also a power.

Let us agree, therefore, that force does not make right, and that one is only obligated to obey legitimate powers. Thus my original question still remains.

Chapter IV: On Slavery

Since no man has any natural authority over his fellow man, and since force produces no right, there remain only conventions as the basis of all legitimate authority among men.[19]

If a private individual, says Grotius, can alienate his freedom and enslave himself to a master, why can't a whole people alienate its freedom and subject itself to a king?[20] There are many equivocal words in this that need explaining, but let us limit ourselves to the word *alienate*. To alienate is to give or to sell. Now a man who makes himself another's slave does not give himself, he sells himself, at the least for his subsistence. But why does a people sell itself? Far from furnishing the subsistence of his subjects, a king derives his own only from them, and according to Rabelais a king does not live cheaply. Do the subjects give their persons, then, on condition that their goods will be taken too? I do not see what remains for them to preserve.

It will be said that the despot guarantees civil tranquillity to his subjects. Perhaps so, but what have they gained if the wars that his ambition brings on them, if his insatiable greed, if the harassment of his ministers are a greater torment than their dissensions would be? What have they gained, if this tranquillity is one of their miseries? Life is tranquil in jail cells, too. Is that reason enough to like them? The Greeks lived tranquilly shut up in the Cyclop's cave as they awaited their turn to be devoured.[21]

To say that a man gives himself gratuitously is to say something absurd and inconceivable. Such an act is illegitimate and null, if only because he who does so is not in his right mind. To say the same thing about an entire people is to suppose a people of madmen. Madness does not make right.

Even if everyone could alienate himself, he could not alienate his children. They are born men and free. Their freedom belongs to them; no one

but themselves has a right to dispose of it. Before they have reached the age of reason, their father can, in their name, stipulate conditions for their preservation, for their well-being; but he cannot give them irrevocably and unconditionally, because such a gift is contrary to the ends of nature and exceeds the rights of paternity. For an arbitrary government to be legitimate, it would therefore be necessary for the people in each generation to be master of its acceptance or rejection. But then this government would no longer be arbitrary.

To renounce one's freedom is to renounce one's status as a man, the rights of humanity and even its duties.[22] There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with the nature of man, and taking away all his freedom of will is taking away all morality from his actions. Finally, it is a vain and contradictory convention to stipulate absolute authority on one side and on the other unlimited obedience. Isn't it clear that one is in no way engaged toward a person from whom one has the right to demand everything, and doesn't this condition alone—without equivalent and without exchange—entail the nullification of the act? For what right would my slave have against me, since all he has belongs to me, and his right being mine, my right against myself is a meaningless word?

Grotius and others derive from war another origin of the alleged right of slavery.[23] As the victor has the right to kill the vanquished, according to them, the latter can buy back his life at the cost of his freedom—a convention all the more legitimate in that it is profitable for both of them.

But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Men are not naturally enemies, if only because when living in their original independence, they do not have sufficiently stable relationships among themselves to constitute either the state of peace or the state of war. It is the relationship between things, not between men, that constitutes war; and as the state of war cannot arise from simple, personal relations, but only from proprietary relations, private war between one man and another can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of the laws.

Individual combats, duels, encounters are not acts that constitute a state.[24] And with regard to private wars, authorized by the establishments of King Louis IX of France and suspended by the peace of God, they are abuses of feudal government, an absurd system if there ever was one, contrary to the principles of natural right and to every good polity.

War is not, therefore, a relation between man and man, but between State and State, in which private individuals are enemies only by acci-

dent, not as men, nor even as citizens,* but as soldiers; not as members of the fatherland but as its defenders. Finally, each State can have only other States, and not men, as enemies, since no true relationship can be established between things of different natures.

This principle even conforms with the established maxims of all ages and with the constant practice of all civilized peoples. Declarations of war are not so much warnings to those in power as to their subjects. The foreigner—whether he be king, private individual, or people—who robs, kills, or imprisons subjects without declaring war on the prince, is not an enemy, but a brigand.[26] Even in the midst of war, a just prince may well seize everything in an enemy country that belongs to the public, but he respects the person and goods of private individuals. He respects rights on which his own are based. The end of war being the destruction of the enemy State, one has the right to kill its defenders as long as they are armed. But as soon as they lay down their arms and surrender, since they cease to be enemies or instruments of the enemy, they become simply men once again, and one no longer has a right to their lives. Sometimes it is possible to kill the State without killing a single one of its members. War confers no right that is not necessary to its end. These principles are not those of Grotius; they are not based on the authority of poets, but are derived from the nature of things, and are based on reason.

With regard to the right of conquest, it has no basis other than the law of the strongest. If war does not give the victor the right to massacre the vanquished peoples, this right he does not have cannot establish the right to enslave them. One only has the right to kill the enemy when he cannot be made a slave. The right to make him a slave does not come, then, from the right to kill him. It is therefore an iniquitous exchange to make him buy his life, over which one has no right, at the cost of his freedom. By establishing the right of life and death on the right of slavery, and the right of slavery on the right of life and death, isn't it clear that one falls into a vicious circle?

*The Romans, who understood and respected the right of war better than any nation in the world, were so scrupulous in this respect that a Citizen was not allowed to serve as a volunteer unless he had expressly engaged himself against the enemy, and against the particular enemy by name. When a Legion in which Cato the Younger was serving for the first time under Popilius had been reorganized, Cato the Elder wrote to Popilius that if he wanted his son to continue to serve under him, Popilius would have to have him take the military oath again, because the first oath being annulled, he could no longer bear arms against the enemy. And the same Cato wrote his son to be careful not to appear in combat without swearing this new oath. I know that the siege of Clusium and other specific events can be raised in contradiction to this, but I cite laws and practices. The Romans were the people who least often transgressed their laws, and they are the only people who had such fine ones.[25]

Even assuming this terrible right to kill everyone, I say that a man enslaved in war or a conquered people is in no way obligated toward his master, except to obey for as long as he is forced to do so. In taking the equivalent of his life, the victor has not spared it; rather than to kill him purposelessly, he has killed him usefully. Therefore, far from the victor having acquired any authority over him in addition to force, the state of war subsists between them as before; their relation itself is its effect, and the customs of the right of war suppose that there has not been a peace treaty. They made a convention, true; but that convention, far from destroying the state of war, assumes its continuation.

Thus, from whatever point of view things are considered, the right of slavery is null, not merely because it is illegitimate, but because it is absurd and signifies nothing. These words *slavery* and *right* are contradictory; they are mutually exclusive. Whether it is said by one man to another or by a man to a people, the following speech will always be equally senseless: *I make a convention with you that is entirely at your expense and entirely for my benefit; that I shall observe for as long as I want, and that you shall observe for as long as I want.*

Chapter V: That It Is Always Necessary to Go Back to a First Convention

Even if I were to grant everything I have thus far refuted, the proponents of despotism would be no better off.[27] There will always be a great difference between subjugating a multitude and governing a society. If scattered men, however many there may be, are successively enslaved by one individual, I see only a master and slaves; I do not see a people and its leader. It is an aggregation, if you wish, but not an association. It has neither public good nor body politic. That man, even if he had enslaved half the world, is nothing but a private individual. His interest, separate from that of the others, is still nothing but a private interest. If this same man dies, thereafter his empire is left scattered and without bonds, just as an oak tree disintegrates and falls into a heap of ashes after fire has consumed it.

A people, says Grotius, can give itself to a king. According to Grotius, a people is therefore a people before it gives itself to a king. This gift itself is a civil act; it presupposes a public deliberation. Therefore, before examining the act by which a people elects a king, it would be well to examine the act by which a people becomes a people. For this act, being necessarily prior to the other, is the true basis of society.

Indeed, if there were no prior convention, what would become of the obligation for the minority to submit to the choice of the majority, un-

less the election were unanimous; and where do one hundred who want a master get the right to vote for ten who do not? The law of majority rule is itself an established convention, and presupposes unanimity at least once.[28]

Chapter VI: On the Social Compact

I assume that men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state.[29] Then that primitive state can no longer subsist and the human race would perish if it did not change its manner of living.

Now since men cannot engender new forces, but merely unite and direct existing ones, they have no other means of self-preservation except to form, by aggregation, a sum of forces that can prevail over the resistance; set them to work by a single motivation; and make them act in concert.

This sum of forces can arise only from the cooperation of many. But since each man's force and freedom are the primary instruments of his self-preservation, how is he to engage them without harming himself and without neglecting the cares he owes to himself? In the context of my subject, this difficulty can be stated in these terms:

"Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before." This is the fundamental problem which is solved by the social contract.

The clauses of this contract are so completely determined by the nature of the act that the slightest modification would render them null and void. So that although they may never have been formally pronounced, they are everywhere the same, everywhere tacitly accepted and recognized, until the social compact is violated, at which point each man recovers his original rights and resumes his natural freedom, thereby losing the conventional freedom for which he renounced it.[30]

Properly understood, all of these clauses come down to a single one, namely the total alienation of each associate, with all his rights, to the whole community. For first of all, since each one gives his entire self, the condition is equal for everyone, and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.

Furthermore, as the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything further to claim. For if some rights were left to private individuals, there would be no common superior who could judge between them and the public. Each man

being his own judge on some point would soon claim to be so on all; the state of nature would subsist and the association would necessarily become tyrannical or ineffectual.

Finally, as each gives himself to all, he gives himself to no one; and since there is no associate over whom one does not acquire the same right one grants him over oneself, one gains the equivalent of everything one loses, and more force to preserve what one has.[31]

If, then, everything that is not of the essence of the social compact is set aside, one will find that it can be reduced to the following terms. *Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.*

Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will. This public person, formed by the union of all the others, formerly took the name *City*,* and now takes that of *Republic* or *body politic*, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. As for the associates, they collectively take the name *people*; and individually are called *Citizens* as participants in the sovereign authority, and *Subjects* as subject to the laws of the State. But these terms are often mixed up and mistaken for one another. It is enough to know how to distinguish them when they are used with complete precision.

Chapter VII: On the Sovereign

This formula shows that the act of association includes a reciprocal engagement between the public and private individuals, and that each individual, contracting with himself so to speak, finds himself engaged in a double relation, namely toward private individuals as a member of the

* The true meaning of this word has been almost entirely lost among modern men. Most of them mistake a town for a City, and a bourgeois for a Citizen. They do not know that houses make the town, but that Citizens make the City. This same error was very costly to the Carthaginians long ago. I have not read that the title *Cives* has ever been given to the subjects of any Prince—even in ancient times to the Macedonians or currently to the English, although they are closer to freedom than all others. Only the French use the name *Citizens* with complete familiarity, because they have no true idea of its meaning, as can be seen from their Dictionaries. If this were not the case, in usurping it they would be guilty of the crime of High Treason. For the French, this name expresses a virtue and not a right. When Bodin wanted to talk about our Citizens and Bourgeois, he made a gross blunder in taking one for the other. M. d'Alembert did not confuse them, and in his article *Geneva* carefully distinguished the four orders of men (even five counting simple foreigners) who are in our town, and of whom only two compose the Republic. No other French author, to my knowledge, has understood the true meaning of the word *Citizen*.[32]

Sovereign and toward the Sovereign as a member of the State.[33] But the maxim of civil right that no one can be held responsible for engagements toward himself cannot be applied here, because there is a great difference between being obligated to oneself, or to a whole of which one is a part.

It must further be noted that the public deliberation that can obligate all of the subjects to the Sovereign—due to the two different relationships in which each of them is considered—cannot for the opposite reason obligate the Sovereign toward itself; and that consequently it is contrary to the nature of the body politic for the Sovereign to impose on itself a law it cannot break. Since the sovereign can only be considered in a single relationship, it is then in the situation of a private individual contracting with himself. It is apparent from this that there is not, nor can there be, any kind of fundamental law that is obligatory for the body of the people, not even the social contract. This does not mean that this body cannot perfectly well enter an engagement toward another with respect to things that do not violate this contract. For with reference to the foreigner, it becomes a simple being or individual.

But the body politic or the Sovereign, deriving its being solely from the sanctity of the contract, can never obligate itself, even toward another, to do anything that violates that original act, such as to alienate some part of itself or to subject itself to another Sovereign. To violate the act by which it exists would be to destroy itself, and whatever is nothing, produces nothing.[34]

As soon as this multitude is thus united in a body, one cannot harm one of the members without attacking the body, and it is even less possible to harm the body without the members feeling the effects. Thus duty and interest equally obligate the two contracting parties to mutual assistance, and the same men should seek to combine in this double relationship all the advantages that are dependent on it.

Now the Sovereign, formed solely by the private individuals composing it, does not and cannot have any interest contrary to theirs. Consequently, the Sovereign power has no need of a guarantee toward the subjects, because it is impossible for the body ever to want to harm all its members, and we shall see later that it cannot harm any one of them as an individual. The Sovereign, by the sole fact of being, is always what it ought to be.[35]

But the same is not true of the subjects in relation to the Sovereign, which, despite the common interest, would have no guarantee of the subjects' engagements if it did not find ways to be assured of their fidelity.

Indeed, each individual can, as a man, have a private will contrary to or

differing from the general will he has as a Citizen. His private interest can speak to him quite differently from the common interest. His absolute and naturally independent existence can bring him to view what he owes the common cause as a free contribution, the loss of which will harm others less than its payment burdens him. And considering the moral person of the State as a being produced by reason because it is not a man, he might wish to enjoy the rights of the citizen without wanting to fulfill the duties of a subject, an injustice whose spread would cause the ruin of the body politic.[36]

Therefore, in order for the social compact not to be an ineffectual formula, it tacitly includes the following engagement, which alone can give force to the others: that whoever refuses to obey the general will shall be constrained to do so by the entire body; which means only that he will be forced to be free.[37] For this is the condition that, by giving each Citizen to the fatherland, guarantees him against all personal dependence; a condition that creates the ingenuity and functioning of the political machine, and alone gives legitimacy to civil engagements which without it would be absurd, tyrannical, and subject to the most enormous abuses.

Chapter VIII: On the Civil State

This passage from the state of nature to the civil state produces a remarkable change in man, by substituting justice for instinct in his behavior and giving his actions the morality they previously lacked.[38] Only then, when the voice of duty replaces physical impulse and right replaces appetite, does man, who until that time only considered himself, find himself forced to act upon other principles and to consult his reason before heeding his inclinations. Although in this state he deprives himself of several advantages given him by nature, he gains such great ones, his faculties are exercised and developed, his ideas broadened, his feelings ennobled, and his whole soul elevated to such a point that if the abuses of this new condition did not often degrade him beneath the condition he left, he ought ceaselessly to bless the happy moment that tore him away from it forever, and that changed him from a stupid, limited animal into an intelligent being and a man.

Let us reduce the pros and cons to easily compared terms. What man loses by the social contract is his natural freedom and an unlimited right to everything that tempts him and that he can get; what he gains is civil freedom and the proprietorship of everything he possesses. In order not to be mistaken about these compensations, one must distinguish carefully between natural freedom, which is limited only by the force of the

individual, and civil freedom, which is limited by the general will; and between possession, which is only the effect of force or the right of the first occupant, and property, which can only be based on a positive title.

To the foregoing acquisitions of the civil state could be added moral freedom, which alone makes man truly the master of himself. For the impulse of appetite alone is slavery, and obedience to the law one has prescribed for oneself is freedom. But I have already said too much about this topic, and the philosophic meaning of the word *freedom* is not my subject here.

Chapter IX: On Real Estate

Each member of the community gives himself to it at the moment of its formation, just as he currently is—both himself and all his force, which includes the goods he possesses.[39] It is not that by this act possession, in changing hands, changes its nature and becomes property in the hands of the Sovereign. But as the force of the City is incomparably greater than that of a private individual, public possession is by that very fact stronger and more irrevocable, without being more legitimate, at least as far as foreigners are concerned. For with regard to its members, the State is master of all their goods through the social contract, which serves within the State as the basis of all rights. But with regard to other Powers, it is master only through the right of the first occupant, which it derives from the private individuals.

The right of the first occupant, although more real than the right of the strongest, becomes a true right only after the establishment of the right of property. Every man naturally has a right to everything he needs; but the positive act that makes him the proprietor of some good excludes him from all the rest. Once his portion is designated, he should limit himself to it, and no longer has any right to the community's goods. That is why the right of the first occupant, so weak in the state of nature, is respectable to every civil man. In this right, one respects not so much what belongs to others as what does not belong to oneself.

In general, the following conditions are necessary to authorize the right of the first occupant to any land whatsoever. First, that this land not yet be inhabited by anyone. Second, that one occupy only the amount needed to subsist. Third, that one take possession not by a vain ceremony, but by labor and cultivation, the only sign of property that others ought to respect in the absence of legal titles.

Indeed, by granting the right of the first occupant to need and labor hasn't it been extended as far as possible? Is it impossible to establish limits to this right? Will setting foot on a piece of common ground be

sufficient to claim on the spot to be its master? Will having the force to disperse other men for a moment be sufficient to take away forever their right to return? How can a man or a people seize an immense territory and deprive the whole human race of it except through punishable usurpation, since this act takes away from the remaining men the dwelling place and foods that nature gives them in common? When Nuñez Balboa, standing on the shore, took possession of the South Sea and all of South America in the name of the crown of Castile, was this enough to dispossess all the inhabitants and exclude all the Princes of the world? On that basis such ceremonies multiplied rather ineffectually, and all the Catholic King had to do was to take possession of the entire universe all at once from his study, subsequently eliminating from his empire what had previously been possessed by other Princes.

It is understandable how the combined and contiguous lands of private individuals become public territory, and how the right of sovereignty, extending from the subjects to the ground they occupy, comes to include both property and persons, which places those who possess land in a greater dependency and turns even their force into a guarantee of their loyalty. This advantage does not appear to have been well understood by ancient monarchs who, only calling themselves Kings of the Persians, the Scythians, the Macedonians, seem to have considered themselves leaders of men rather than masters of the country. Today's kings more cleverly call themselves Kings of France, Spain, England, etc. By thus holding the land, they are quite sure to hold its inhabitants.

What is extraordinary about this alienation is that far from plundering private individuals of their goods, by accepting them the community thereby only assures them of legitimate possession, changes usurpation into a true right, and use into property. Then, since the possessors are considered as trustees of the public goods, and since their rights are respected by all the members of the State and maintained with all its force against foreigners, through a transfer that is advantageous to the public and even more so to themselves, they have, so to speak, acquired all they have given. This paradox is easily explained by the distinction between the rights of the sovereign and of the proprietor to the same resource, as will be seen hereafter.

It can also happen that men start to unite before possessing anything and that subsequently taking over a piece of land sufficient for all, they use it in common or divide it among themselves, either equally or according to proportions established by the Sovereign. However this acquisition is made, the right of each private individual to his own resources is always subordinate to the community's right to all, without which there would

be neither solidity in the social bond nor real force in the exercise of Sovereignty.

I shall end this chapter and this book with a comment that ought to serve as the basis of the whole social system. It is that rather than destroying natural equality, the fundamental compact on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that although they may be unequal in force or in genius, they all become equal through convention and by right.*

END OF THE FIRST BOOK

* Under bad governments, this equality is only apparent and illusory. It serves merely to maintain the poor man in his misery and the rich in his usurpation. In fact, laws are always useful to those who have possessions and harmful to those who have nothing. It follows from this that the social state is only advantageous to men insofar as they all have something and none of them has anything superfluous.[40]

BOOK II

Chapter I: That Sovereignty Is Inalienable

The first and most important consequence of the principles established above is that the general will alone can guide the forces of the State according to the end for which it was instituted, which is the common good.[41] For if the opposition of private interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible. It is what these different interests have in common that forms the social bond, and if there were not some point at which all the interests are in agreement, no society could exist. Now it is uniquely on the basis of this common interest that society ought to be governed.

I say, therefore, that sovereignty, being only the exercise of the general will, can never be alienated, and that the sovereign, which is only a collective being, can only be represented by itself. Power can perfectly well be transferred, but not will.

Indeed, though it is not impossible for a private will to agree with the general will on a given point, it is impossible, at least, for this agreement to be lasting and unchanging. For the private will tends by its nature toward preferences, and the general will toward equality. It is even more impossible for there to be a guarantee of this agreement even should it always exist. It would not be the result of art, but of chance. The Sovereign may well say, "I currently want what a particular man wants, or at least what he says he wants." But it cannot say, "What that man will want tomorrow, I shall still want," since it is absurd for the will to tie itself down for the future and since no will can consent to anything that is contrary to the good of the being that wills. Therefore, if the people promises simply to obey, it dissolves itself by that act; it loses the status of a people. The moment there is a master, there is no longer a Sovereign, and from then on the body politic is destroyed.

This is not to say that the commands of leaders cannot pass for expressions of the general will, as long as the Sovereign, being free to oppose them, does not do so. In such a case, one ought to presume the consent of the people from universal silence. This will be explained at greater length.

Chapter II: That Sovereignty Is Indivisible

For the same reason that sovereignty is inalienable, it is indivisible.[42] Because either the will is general* or it is not. It is the will of the people as a body, or of only a part. In the first case, this declared will is an act of

* In order for a will to be general, it is not always necessary for it to be unanimous, but it is necessary that all votes be counted. Any formal exclusion destroys the generality.

sovereignty and constitutes law. In the second case, it is merely a private will or an act of magistracy; it is at most a decree.

But our political thinkers, unable to divide the principle of sovereignty, divide it in its object. They divide it into force and will; into legislative power and executive power; into rights of taxation, justice, and war; into internal administration and power to negotiate with foreigners. Sometimes they mix all these parts together, sometimes they separate them. They turn the sovereign into a fantastic being formed of bits and pieces. It is as though they constructed a man out of several bodies, one of which would have eyes, another arms, another feet, and nothing more. Japanese charlatans are said to cut up a child right in front of the audience; then, tossing all the parts into the air one after another, they make the child come back down alive and in one piece. The juggling acts of our political thinkers are about like that. After they have taken the social body apart by a trick worthy of a carnival, they put the pieces back together in some unknown way.

This error comes from not having developed exact concepts of sovereign authority, and from having mistaken for parts of that authority what were merely emanations from it. Thus, for example, the acts of declaring war and making peace have been regarded as acts of sovereignty, which they are not, since each of these acts is not a law but merely an application of the law, a particular act which determines the legal situation, as will be clearly seen when the idea attached to the word *law* is established.[43]

By examining the other divisions in the same way, it would be found that every time it is thought that sovereignty is divided, a mistake has been made, and that the rights that are mistaken for parts of that sovereignty are always subordinate to it and always presuppose supreme wills which these rights merely execute.

It is hard to overestimate how much this lack of precision has obscured the decisions of authors on the subject of political right when they wanted to judge the respective rights of kings and peoples on the basis of the principles they had established. In chapters III and IV of the first book of Grotius, anyone can see how this learned man and his translator Barbeyrac get entangled and trapped in their sophisms, for fear of saying too much or not enough according to their viewpoints, and of offending the interests they needed to reconcile. Grotius—taking refuge in France, discontent with his fatherland, and wanting to pay court to Louis XIII to whom his book is dedicated—spares nothing to divest the people of all their rights and to endow kings with them as artfully as possible. This would certainly have been the preference of Barbeyrac, too, who dedicated his translation to King George I of England. But unfortunately the

expulsion of James II, which he calls abdication, forced him to be cautious, evasive, and equivocal so as not to make William appear to be a usurper. If these two writers had adopted the true principles, all their difficulties would have been avoided and they would always have been consistent. But they would have told the truth with regret and paid court only to the people. For truth does not lead to fortune, and the people does not confer embassies, professorships, or pensions.

Chapter III: Whether the General Will Can Err

From the foregoing it follows that the general will is always right and always tends toward the public utility. But it does not follow that the people's deliberations always have the same rectitude. One always wants what is good for oneself, but one does not always see it. The people is never corrupted, but it is often fooled, and only then does it appear to want what is bad.

There is often a great difference between the will of all and the general will. The latter considers only the common interest; the former considers private interest, and is only a sum of private wills. But take away from these same wills the pluses and minuses that cancel each other out,* and the remaining sum of the differences is the general will.

If, when an adequately informed people deliberates, the Citizens were to have no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when factions, partial associations at the expense of the large one, are formed, the will of each of these associations becomes general with reference to its members and particular with reference to the State. One can say, then, that there are no longer as many voters as there are men, but merely as many as there are associations. The differences become less numerous and produce a result that is less general. Finally, when one of these associations is so big that it prevails over all the others, the result is no longer a sum of small differences, but a single difference. Then there is no longer a general will, and the opinion that prevails is merely a private opinion.

In order for the general will to be well expressed, it is therefore important that there be no partial society in the State, and that each Citizen

**Each interest*, says the Marquis d'Argenson, *has different principles. The agreement of two private interests is formed in opposition to the interest of a third.*[44] He could have added that the agreement of all interests is formed in opposition to the interest of each. If there were no different interests, the common interest, which would never encounter any obstacle, would scarcely be felt. Everything would run smoothly by itself and politics would cease to be an art.

give only his own opinion.* Such were the unique and sublime institutions by the great Lycurgus. If there are partial societies, their number must be multiplied and their inequality prevented, as was done by Solon, Numa, and Servius. These precautions are the only ones good for ensuring that the general will is always enlightened and that the people is not deceived.[46]

Chapter IV: On the Limits of the Sovereign Power

If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its concerns is that of its own preservation, it must have a universal, compulsory force to move and arrange each part in the manner best suited to the whole.[47] Just as nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members, and it is this same power, directed by the general will, which as I have said bears the name sovereignty.

But in addition to the public person, we have to consider the private persons who compose it and whose life and freedom are naturally independent of it. It is a matter, then, of making a clear distinction between the respective rights of the Citizens and the Sovereign,** and between the duties that the former have to fulfill as subjects and the natural right which they ought to enjoy in their quality as men.

It is agreed that each person alienates through the social compact only that part of his power, goods, and freedom whose use matters to the community; but it must also be agreed that the Sovereign alone is the judge of what matters.[49]

A citizen owes the State all the services he can render it as soon as the Sovereign requests them. But the Sovereign, for its part, cannot impose on the subjects any burden that is useless to the community. It cannot even will to do so, for under the law of reason nothing is done without a cause, any more than under the law of nature.

The engagements that bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for someone else without also working for oneself. Why is the general will always right and why do all constantly want the hap-

**Vera cosa è*, says Machiavelli, *che alcune divisioni nuocono alle Republiche, e alcune giovano: quelle nuocono che sono dalle sette e da partigiani accompagnate; quelle giovano che senza sette, senza partigiani si mantengono. Non potendo adunque provedere un fondatore d'una Republica che non siano nimicizie in quella, ha da proveder almeno che non vi siano sette.* History of Florence, Book VII.[45]

**Attentive readers, please do not be in a hurry to accuse me of inconsistency here. I have been unable to avoid it in my terminology, given the poverty of the language. But wait.[48]

piness of each, if not because there is no one who does not appropriate this word *each* to himself, and does not think of himself as he votes for all? Which proves that the equality of right, and the concept of justice it produces, are derived from each man's preference for himself and consequently from the nature of man; that the general will, to be truly such, should be general in its object as well as in its essence; that it should come from all to apply to all; and that it loses its natural rectitude when it is directed toward any individual, determinate object. Because then, judging what is foreign to us, we have no true principle of equity to guide us.

Indeed, as soon as it is a matter of fact or a particular right concerning a point that has not been regulated by a prior, general convention, the affair is in dispute. It is a lawsuit where the interested private individuals constitute one party and the public the other, but in which I see neither what law must be followed nor what judge should decide. In this case it would be ridiculous to want to turn to an express decision of the general will, which can only be the conclusion of one of the parties and which, for the other party, is consequently only a foreign, private will, showing injustice on this occasion and subject to error. Thus just as a private will cannot represent the general will, the general will in turn changes its nature when it has a particular object; and as a general will it cannot pass judgment on either a man or a fact. When the people of Athens, for example, appointed or dismissed its leaders, awarded honors to one or imposed penalties on another, and by means of a multitude of particular decrees performed indistinguishably all the acts of Government, the people then no longer had a general will properly speaking. It no longer acted as Sovereign, but as magistrate. This will appear contrary to commonly held ideas, but you must give me time to present my own.

It should be understood from this that what generalizes the will is not so much the number of votes as the common interest that unites them, because in this institution everyone necessarily submits himself to the conditions he imposes on others, an admirable agreement between interest and justice which confers on common deliberations a quality of equity that vanishes in the discussion of private matters, for want of a common interest that unites and identifies the rule of the judge with that of the party.

However one traces the principle, one always reaches the same conclusion, namely that the social compact establishes an equality between the citizens such that they all engage themselves under the same conditions and should all benefit from the same rights. Thus by the very nature of the compact, every act of sovereignty, which is to say every authentic act of the general will, obligates or favors all Citizens equally, so that the Sover-

eign knows only the nation as a body and makes no distinctions between any of those who compose it. What really is an act of sovereignty then? It is not a convention between a superior and an inferior, but a convention between the body and each of its members. A convention that is legitimate because it has the social contract as a basis; equitable, because it is common to all; useful, because it can have no other object than the general good; and solid, because it has the public force and the supreme power as guarantee. As long as subjects are subordinated only to such conventions, they do not obey anyone, but solely their own will; and to ask how far the respective rights of the Sovereign and of Citizens extend is to ask how far the latter can engage themselves to one another, each to all and all to each.

It is apparent from this that the Sovereign power, albeit entirely absolute, entirely sacred, and entirely inviolable, does not and cannot exceed the limits of the general conventions, and that every man can fully dispose of the part of his goods and freedom that has been left to him by these conventions. So that the Sovereign never has the right to burden one subject more than another, because then the matter becomes individual, and its power is no longer competent.

Once these distinctions are acknowledged, it is so false that the social contract involves any true renunciation on the part of private individuals that their situation, by the effect of this contract, is actually preferable to what it was beforehand; and instead of an alienation, they have only exchanged to their advantage an uncertain, precarious mode of existence for another that is better and safer; natural independence for freedom; the power to harm others for their personal safety; and their force, which others could overcome, for a right which the social union makes invincible. Their life itself, which they have dedicated to the State, is constantly protected by it; and when they risk it for the State's defense, what are they then doing except to give back to the State what they have received from it? What are they doing that they did not do more often and with greater danger in the state of nature, when waging inevitable fights they defend at the risk of their life that which preserves it for them? It is true that everyone has to fight, if need be, for the fatherland, but also no one ever has to fight for himself. Don't we still gain by risking, for something that gives us security, a part of what we would have to risk for ourselves as soon as our security is taken away?

Chapter V: On the Right of Life and Death

It is asked how private individuals who have no right to dispose of their own lives can transfer to the Sovereign a right they do not have.[50] This question appears hard to resolve only because it is badly put. Every

man has a right to risk his own life in order to preserve it. Has it ever been said that someone who jumps out of a window to escape a fire is guilty of suicide? Has this crime ever even been imputed to someone who dies in a storm, although he was aware of the danger when he set off?

The social treaty has the preservation of the contracting parties as its end. Whoever wants the end also wants the means, and these means are inseparable from some risks, even from some losses. Whoever wants to preserve his life at the expense of others should also give it up for them when necessary. Now the Citizen is no longer judge of the risk to which the law wills that he be exposed, and when the Prince has said to him, "It is expedient for the State that you should die," he ought to die; because it is only under this condition that he has lived in safety up to that point, and because his life is no longer only a favor of nature, but a conditional gift of the State.

The death penalty inflicted on criminals can be considered from approximately the same point of view: it is in order not to be the victim of a murderer that a person consents to die if he becomes one. Under this treaty, far from disposing of one's own life, one only thinks of guaranteeing it; and it cannot be presumed that any of the contracting parties is at that time planning to have himself hanged.

Besides, every offender who attacks the social right becomes through his crimes a rebel and traitor to his fatherland; he ceases to be one of its members by violating its laws, and he even wages war against it. Then the State's preservation is incompatible with his own, so one of the two must perish; and when the guilty man is put to death, it is less as a Citizen than as an enemy. The proceedings and judgment are the proofs and declaration that he has broken the social treaty, and consequently is no longer a member of the State. Now as he had acknowledged himself to be such, at the very least by his residence, he ought to be removed from it by exile as a violator of the compact or by death as a public enemy. For such an enemy is not a moral person but a man, and in this case the right of war is to kill the vanquished.

But it will be said that the condemnation of a Criminal is a particular act. Agreed—hence this condemnation is not to be made by the Sovereign. It is a right the Sovereign can confer without itself being able to exercise it. All of my ideas fit together, but I can hardly present them simultaneously.

Moreover, frequent corporal punishment is always a sign of weakness or laziness in the Government. There is no wicked man who could not be made good for something. One only has the right to put to death, even as an example, someone who cannot be preserved without danger.

With regard to the right to pardon, or to exempt a guilty man from the

penalty prescribed by the law and pronounced by the judge, this belongs only to one who is above the judge and the law—which is to say, to the Sovereign. Yet its right in this matter is not very clear and the cases in which it is applied are very rare. In a well-governed State, there are few punishments, not because many pardons are given, but because there are few criminals. When the State declines, a high number of crimes guarantees their impunity. Under the Roman Republic, the Senate and Consuls never tried to pardon. The people itself did not do so, although it sometimes revoked its own judgment. Frequent pardons indicate that crimes will soon have no further need of them, and everyone sees where that leads. But I feel that my heart murmurs and holds back my pen. Let these questions be discussed by the just man who has never transgressed and who never needed pardon himself.

Chapter VI: On Law

Through the social compact we have given the body politic existence and life; the issue now is to give it movement and will through legislation.[51] For the original act which forms and unites this body does not thereby determine anything about what it should do to preserve itself.

Whatever is good and in accordance with order is so by the nature of things, independently of human conventions. All justice comes from God; He alone is its source. But if we knew how to receive it from on high, we would need neither government nor laws. There is without doubt a universal justice emanating from reason alone;[52] but to be acknowledged among us, this justice must be reciprocal. Considering things from a human point of view, the laws of justice are ineffectual among men for want of a natural sanction. They merely benefit the wicked man and harm the just, when the latter observes them toward everyone while no one observes them toward him. Therefore, there must be conventions and laws to combine rights with duties and to bring justice back to its object. In the state of nature where everything is in common, I owe nothing to those to whom I have promised nothing; I recognize as belonging to someone else only what is useless to me. It is not the same in the civil state where all rights are fixed by the law.

But what is a law after all? As long as people are satisfied to attach only metaphysical ideas to this word, they will continue to reason without understanding each other, and when they have stated what a law of nature is, they will not thereby have a better idea of what a law of the State is.

I have already said that there is no general will concerning a particular object. Indeed, that particular object is either within the State or outside of the State. If it is outside of the State, a will that is foreign to it is not

general in relation to it. And if within the State, that object is part of it. Then a relation between the whole and its parts is formed which makes of them two separate Beings, one of which is the part and the other of which is the whole minus that part. But the whole minus a part is not the whole, and for as long as this relationship lasts, there is no whole, but rather two unequal parts. It follows from this that the will of one of them is no longer general in relation to the other.

But when the entire people enacts something concerning the entire people, it considers only itself, and if a relationship is formed then, it is between the whole object viewed in one way and the whole object viewed in another, without any division of the whole. Then the subject matter of the enactment is general like the will that enacts. It is this act that I call a law.

When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and actions in the abstract, never a man as an individual or a particular action. Thus the law can very well enact that there will be privileges, but it cannot confer them on anyone by name. The law can create several Classes of Citizens, and even designate the qualities determining who has a right to these classes, but it cannot name the specific people to be admitted to them. It can establish a royal Government and hereditary succession, but it cannot elect a king or name a royal family. In short, any function that relates to an individual object does not belong to the legislative power.

Given this idea, one sees immediately that it is no longer necessary to ask who should make laws, since they are acts of the general will; nor whether the Prince is above the laws, since he is a member of the State; nor whether the law can be unjust, since no one is unjust toward himself; nor how one is free yet subject to the laws, since they merely record our wills.

Furthermore, one sees that since the law combines the universality of the will and that of the object, what any man, whoever he may be, orders on his own authority is not a law. Whatever is ordered even by the Sovereign concerning a particular object is not a law either, but rather a decree; nor is it an act of sovereignty, but of magistracy.

I therefore call every State ruled by laws a Republic, whatever the form of administration may be, for then alone the public interest governs and the commonwealth really exists. Every legitimate Government is republican.* I shall explain later what Government is.

* By this word I do not mean only an Aristocracy or a Democracy, but in general any government guided by the general will, which is the law. In order to be legitimate, the Government must not be confounded with the Sovereign, but must be its minister. Then monarchy itself is a republic. This will become clearer in the next book.

Laws are properly speaking only the conditions of the civil association. The People that is subject to the laws ought to be their author. Only those who are forming an association have the right to regulate the conditions of the society. But how will they regulate these conditions? Will it be in common accord, by sudden inspiration? Does the body politic have an organ to enunciate its will? Who will give it the necessary foresight to formulate acts and publish them in advance, or how will it pronounce them in time of need? How will a blind multitude, which often does not know what it wants because it rarely knows what is good for it, execute by itself an undertaking as vast and as difficult as a system of legislation? By itself, the people always wants the good, but by itself it does not always see it. The general will is always right, but the judgment that guides it is not always enlightened. It must be made to see objects as they are, or sometimes as they should appear to be; shown the good path it seeks; safeguarded against the seduction of private wills; shown how to assimilate considerations of time and place; taught to weigh the attraction of present, tangible advantages against the danger of remote, hidden ills. Private individuals see the good they reject; the public wants the good it does not see. All are equally in need of guides. The former must be obligated to make their wills conform to their reason. The latter must be taught to know what it wants. Then public enlightenment results in the union of understanding and will in the social body; hence the complete cooperation of the parts, and finally the greatest force of the whole. From this arises the necessity for a legislator.

Chapter VII: On the Legislator

The discovery of the best rules of society suited to Nations would require a superior intelligence, who saw all of men's passions yet experienced none of them; who had no relationship at all to our nature yet knew it thoroughly; whose happiness was independent of us, yet who was nevertheless willing to attend to ours; finally one who, preparing for himself a future glory with the passage of time, could work in one century and enjoy the reward in another.* [53] Gods would be needed to give laws to men.

The same reasoning Caligula used with respect to fact was used by Plato with respect to right in defining the civil or royal man he seeks in the *Statesman*. But if it is true that a great Prince is a rare man, what about a great Legislator? The former only has to follow the model that the latter

*A people only becomes famous when its legislation starts to decline. It is not known for how many centuries the institutions founded by Lycurgus caused the happiness of the Spartans before the rest of Greece became aware of them.

should propose. The latter is the mechanic who invents the machine; the former is only the workman who puts it together and starts it running. At the birth of societies, says Montesquieu, the leaders of republics create the institutions; thereafter, it is the institutions that form the leaders of republics.[54]

One who dares to undertake the founding of a people should feel that he is capable of changing human nature, so to speak; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which this individual receives, in a sense, his life and his being; of altering man's constitution in order to strengthen it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature. He must, in short, take away man's own forces in order to give him forces that are foreign to him and that he cannot make use of without the help of others. The more these natural forces are dead and destroyed, and the acquired ones great and lasting, the more the institution as well is solid and perfect. So that if each Citizen is nothing, and can do nothing, except with all the others, and if the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, it may be said that legislation has reached its highest possible point of perfection.

The legislator is an extraordinary man in the State in all respects. If he should be so by his genius, he is no less so by his function. It is not magistracy, it is not sovereignty. This function, which constitutes the republic, does not enter into its constitution. It is a particular and superior activity that has nothing in common with human dominion. For if one who commands men should not command laws, one who commands laws should also not command men. Otherwise his laws, ministers of his passions, would often only perpetuate his injustices, and he could never avoid having private views alter the sanctity of his work.

When Lycurgus gave his fatherland laws, he began by abdicating the Throne. It was the custom of most Greek cities to entrust the establishment of their laws to foreigners. The modern Republics of Italy often imitated this practice. The republic of Geneva did so too, with good results.* During its finest period Rome saw all the crimes of Tyranny revived in its midst, and nearly perished as a result of combining legislative authority and sovereign power in the same hands.

*Those who only consider Calvin as a theologian do not understand the extent of his genius. The drawing up of our wise Edicts, in which he played a large part, does him as much honor as his *Institutes*. Whatever revolution time may bring about in our cult, as long as love of the fatherland and liberty is not extinguished among us, the memory of that great man will never cease to be blessed.[55]

However even the Decemvirs never took upon themselves the right to have any law passed solely on their authority. *Nothing that we propose*, they said to the people, *can become law without your consent. Romans, be yourselves the authors of the laws that should create your happiness.*[56]

He who drafts the laws, therefore, does not or should not have any legislative right. And the people itself cannot, even if it wanted to, divest itself of this incommunicable right, because according to the fundamental compact, only the general will obligates private individuals, and one can never be assured that a private will is in conformity with the general will until it has been submitted to the free vote of the people. I have already said this, but it is not useless to repeat it.

Thus one finds combined in the work of legislation two things that seem incompatible: an undertaking beyond human force and, to execute it, an authority that amounts to nothing.

Another difficulty deserves attention. Wise men who want to use their own language, rather than that of the common people, cannot be understood by the people. Now there are a thousand kinds of ideas that are impossible to translate into the language of the people. Overly general views and overly remote objects are equally beyond its grasp. Each individual, appreciating no other aspect of government than the one that relates to his private interest, has difficulty perceiving the advantages he should obtain from the continual deprivations imposed by good laws. In order for an emerging people to appreciate the healthy maxims of politics, and follow the fundamental rules of Statecraft, the effect would have to become the cause; the social spirit, which should be the result of the institution, would have to preside over the founding of the institution itself; and men would have to be prior to laws what they ought to become by means of laws. Since the Legislator is therefore unable to use either force or reasoning, he must necessarily have recourse to another order of authority, which can win over without violence and persuade without convincing.

This is what has always forced the fathers of nations to have recourse to the intervention of heaven and to honor the Gods with their own wisdom; so that the peoples, subjected to the laws of the State as to those of nature, and recognizing the same power in the formation of man and of the city, might obey with freedom and bear with docility the yoke of public felicity.

It is this sublime reason, which rises above the grasp of common men, whose decisions the legislator places in the mouth of the immortals in order to win over by divine authority those who cannot be moved by

human prudence.* But it is not every man who can make the Gods speak or be believed when he declares himself their interpreter. The Legislator's great soul is the true miracle that should prove his mission. Any man can engrave stone tablets, buy an oracle, pretend to have a secret relationship with some divinity, train a bird to talk in his ear, or find other crude ways to impress the people. One who knows only that much might even assemble, by chance, a crowd of madmen, but he will never found an empire, and his extravagant work will soon die along with him. False tricks can form a fleeting bond; wisdom alone can make it durable. The Jewish law, which is still in existence, and the law of the son of Ishmael, which has ruled half the world for ten centuries, still bear witness today to the great men who formulated them. And whereas proud philosophy or blind partisan spirit regards them merely as lucky imposters, the true political thinker admires in their institutions that great and powerful genius which presides over lasting establishments.[58]

One must not conclude from all this, as Warburton does, that politics and religion have a common object for us, but rather that at the origin of nations, one serves as an instrument of the other.[59]

Chapter VIII: On the People

Just as an architect, before putting up a big building, observes and tests the ground to see whether it can bear the weight, so the wise founder does not start by drafting laws that are good in themselves, but first examines whether the people for whom he destines them is suited to bear them.[60] For this reason, Plato refused to give laws to the Arcadians and Cyrenians, knowing that these two peoples were rich and could not tolerate equality. For this reason, there were good laws and wicked men in Crete, because Minos had disciplined only a people full of vices.

A thousand nations that have flourished on earth could never have tolerated good laws, and even those that could were only so disposed for a very short time during their entire existence. Most Peoples, like men, are docile only in their youth. They become incorrigible as they grow older. Once customs are established and prejudices have taken root, it is a dangerous and foolhardy undertaking to want to reform them. The people cannot even tolerate having their ills touched for the purpose of destroying them, like those stupid and cowardly patients who tremble at the sight of a doctor.

**E veramente*, says Machiavelli, *mai non fù alcuno ordinatore di leggi straordinarie in un popolo, che non ricorresse a Dio, perche altrimenti non sarebbero accettate; perche sono molti beni conosciuti da uno prudente, i quali non hanno in se raggioni evidenti da potergli persuadere ad altrui.* Discourses on Titus Livy, Book I, chapter 11.[57]

To be sure, just as men's minds are unhinged and their memory of the past erased by some illnesses, so there sometimes occur during the lifetime of States violent periods when revolutions have the same effect on peoples as do certain crises on individuals; when horror of the past is equivalent to amnesia, and when the State, set afire by civil wars, is reborn so to speak from its ashes and resumes the vigor of youth by escaping from death's clutches. Sparta in the time of Lycurgus and Rome after the Tarquins were like this, and among us so were Holland and Switzerland after the expulsion of the Tyrants.

But these events are rare; they are exceptions the reason for which can always be found in the particular constitution of the exceptional State. They cannot even occur twice for the same people; for it can liberate itself as long as it is merely barbarous, but can no longer do so when the civil machinery is worn out. Then, disturbances can destroy it, but revolutions cannot reestablish it, and as soon as its chains are broken, it falls apart and no longer exists. Henceforth it must have a master and not a liberator. Free peoples, remember this maxim: Freedom can be acquired, but it can never be recovered.

Youth is not childhood. For nations as for men there is a time of youth, or maturity if you prefer, that must be awaited before subjecting them to laws. But the maturity of a people is not always easy to recognize, and if it is anticipated, the work is ruined. One people is capable of discipline at birth, another is not after ten centuries. The Russians will never be truly civilized because they were civilized too early. Peter had the genius of imitation. He did not have true genius, the kind that creates and makes everything from nothing. A few of the things he did were good; most were out of place. He saw that his people was barbarous; he did not see that it was not ripe for a political order. He wanted to make it civilized when it only needed to be made warlike. He wanted first to make Germans and Englishmen, whereas it was necessary to begin by making Russians. He prevented his subjects from ever becoming what they could be by persuading them that they were what they are not. It is like the way a French Tutor molds his pupil to shine briefly during his childhood and thereafter never to amount to anything. The Russian empire would like to subjugate Europe and will itself be subjugated. The Tartars, its subjects or its neighbors, will become its masters and ours. This revolution appears inevitable to me. All the kings of Europe are working together to hasten it.

Chapter IX: Continued

Just as nature has set limits to the stature of a well-formed man, beyond which there are only Giants or Dwarfs, so with regard to the best constitution of a State there are limits to the dimensions it can have in order that it be neither too large to be well governed nor too small to be self-sustaining.[61] There is a maximum force in every body politic which it cannot exceed and of which it often falls short by growing larger. The more the social bond stretches, the looser it becomes, and in general a small State is proportionately stronger than a large one.

A thousand reasons prove this maxim. First, administration becomes more difficult over long distances, as a weight becomes heavier at the end of a bigger lever. It also becomes more burdensome as the number of levels multiplies, because each city first has its own administration paid for by the people; each district has one, again paid for by the people; next each province, then the large-scale governments—the Satrapies and Vice-royalties—that cost more the higher up one goes, and always at the expense of the unfortunate people. Finally there is the supreme administration which crushes everything. Such overtaxing continually exhausts the subjects. Far from being better governed by these different levels, they are less well governed than if there were only one over them. As it is, there barely remain resources for extraordinary cases, and when it is necessary to have recourse to them, the State is always on the brink of ruin.

That is not all. Not only does the Government have less vigor and speed to enforce the laws, prevent harassment, correct abuses, and forestall seditious undertakings that may occur in distant places, but also the people has less affection for leaders it never sees, for the fatherland which is like the whole world in its eyes, and for its fellow citizens, most of whom are foreigners to it. The same laws cannot be suited to such a variety of provinces, which have different morals, live in contrasting climates, and cannot tolerate the same form of government. Different laws only produce discord and confusion among peoples who, living under the same leaders and in constant communication, move or get married in each other's areas and, being subjected to other customs, never know whether their patrimony is really theirs. Talents are buried, virtues unknown, vices unpunished in this multitude of men who do not know one another and who are gathered together in one place by the location of the supreme administration. Leaders overburdened with work see nothing by themselves; functionaries govern the State. Finally, all the public attention is absorbed by the steps that must be taken to maintain the general authority, which so many distant Officials want to avoid or abuse.

Nothing is left for the people's happiness, and there is barely anything left for its defense if necessary. And thus a body that is too big for its constitution collapses and perishes, crushed by its own weight.

On the other hand, the State ought to procure a sufficient basis to be solid, to withstand the upheavals it is sure to go through and the efforts it will have to make to sustain itself. For all peoples have a kind of centrifugal force by which they constantly act upon each other and tend to grow at the expense of their neighbors, like Descartes's vortices. Thus the weak risk being rapidly swallowed up, and none can hope to preserve itself except by establishing a kind of equilibrium with all the others, which approximately equalizes the pressure on all.

It is apparent from this that there are reasons to expand and reasons to shrink, and it is not the least of the political thinker's talents to find among these reasons the proportion most advantageous to the preservation of the State. In general, it can be said that the former, being merely external and relative, should be subordinated to the latter, which are internal and absolute. A healthy, strong constitution is the first thing that must be sought, and one should rely more on the vigor born of a good government than on the resources furnished by a large territory.

Besides, there have been States so constituted that the necessity for conquests entered into their constitution itself, and that were forced to grow endlessly to maintain themselves. Perhaps they congratulated themselves greatly for this happy necessity, though it showed them, along with the limit of their size, the inevitable moment of their downfall.

Chapter X: Continued

A body politic can be measured in two ways, namely by the extent of its territory and by the number of its people; and there is an appropriate ratio between these two measures if the State is to be given its genuine size.[62] It is men who make up the State and the land feeds the men. This ratio therefore consists in there being enough land for the maintenance of its inhabitants and as many inhabitants as can be fed by the land. The maximum force of a given number of people is to be found in this proportion; for if there is too much land, its defense is burdensome, its cultivation inadequate, its output superfluous. This is the immediate cause of defensive wars. If there is not enough land, the State finds itself at the discretion of its neighbors for the supplement. This is the immediate cause of offensive wars. Every people whose position only gives it the alternative between commerce and war is intrinsically weak. It is dependent on its neighbors; it is dependent on events. It never has anything except an uncertain and brief existence. Either it conquers and alters its

situation or it is conquered and reduced to nothing. It cannot preserve its freedom except through small or great size.

One cannot calculate arithmetically a fixed ratio between the extent of land and the number of men that are mutually sufficient, as much because of differences in qualities of the terrain, its degrees of fertility, the nature of its products, and the influence of climate, as because of differences to be noted in the temperaments of the men who inhabit them, some of whom consume little in a fertile country, others a great deal on more sterile soil. Attention must also be paid to the greater or lesser fecundity of women, to what the country offers that is more or less favorable to population, to the number of people that the legislator can hope to attract there by means of what he establishes. Hence, the legislator's judgment should not be based on what he sees, but on what he foresees; nor should he give as much consideration to the present state of the population as to the state it should naturally attain. Finally, there are a thousand occasions when the particular accidents of a place require or permit the inclusion of more land than appears necessary. Thus one expands considerably in mountainous country where natural products, namely woods and pastures, require less work; where experience shows that women are more fecund than on the plains; and where a large amount of sloping land provides only a small horizontal area, which is all that can be counted on for vegetation. On the contrary, it is possible to shrink by the sea, even on nearly barren rocks and sand, because fishing can substitute substantially for products of the land, because men should be gathered more closely together to repulse pirates, and because it is, in addition, easier to relieve the country of surplus inhabitants by means of colonies.

To these conditions for founding a people must be added one that cannot substitute for any other, but without which all the rest are useless: the enjoyment of prosperity and peace. For the time when a State is organized, like that when a battalion is formed, is the instant when the body is least capable of resisting and easiest to destroy. There would be better resistance during absolute disorder than during a moment of ferment, when everyone is concerned about his status rather than the danger. Should a war, famine, or sedition occur in this time of crisis, the State is inevitably overthrown.

To be sure, many governments are established during such storms, but then it is these very governments that destroy the State. Usurpers always bring about or choose these times of troubles, taking advantage of public panic to pass destructive laws that the people would never adopt when calm. The choice of the moment of the founding is one of the surest ways to distinguish the work of a Legislator from that of a Tyrant.

What people, then, is suited for legislation? One that, though already bound by some union of origin, interest, or convention, has not yet borne the true yoke of laws. One that has neither customs nor superstitions that are deeply entrenched. One that does not fear being crushed by a sudden invasion and can, without becoming involved in its neighbors' quarrels, resist each of them by itself or use the help of one to drive away another. One where each member can be known to all, and where it is not necessary to impose on any man a greater burden than a man can bear. One that does not depend on other peoples, and on whom no other people depends.* One that is neither rich nor poor, and can be self-sufficient. Finally, one that combines the stability of an ancient people with the docility of a new people. What makes the work of legislation difficult is not so much what must be established as what must be destroyed. And what makes success so rare is the impossibility of finding the simplicity of nature together with the needs of society. All these conditions, it is true, are hard to find together. Hence one sees few well-constituted States.

In Europe there is still one country capable of legislation; it is the Island of Corsica. The valor and perseverance with which this courageous people was able to recover and defend its freedom would well deserve that some wise man should teach them how to preserve it. I have a feeling that some day this little Island will astound Europe.

Chapter XI: On the Various Systems of Legislation

If one seeks for precisely what constitutes the greatest good of all, which ought to be the end of every system of legislation, one will find that it comes down to these two principal objects: *freedom* and *equality*.[63] Freedom because all private dependence is that much force subtracted from the body of the State; equality because freedom cannot last without it.

I have already said what civil freedom is. With regard to equality, this word must not be understood to mean that degrees of power and wealth should be exactly the same, but rather that with regard to power, it should be incapable of all violence and never exerted except by virtue of status and the laws; and with regard to wealth, no citizen should be so opulent that he can buy another, and none so poor that he is constrained to sell himself. This presumes moderation in goods and influence on the part of

* If one of two neighboring peoples could not do without the other, the situation would be very hard for the former and very dangerous for the latter. In such a case, any wise nation will very quickly try to relieve the other of its dependency. The Republic of Thlascala, an enclave within the Mexican Empire, preferred doing without salt to buying it from the Mexicans, and even to accepting it free of charge. The wise Thlascalans saw the trap hidden beneath this generosity. They preserved their freedom; and this small State, enclosed within this great Empire, was finally the instrument of its ruin.

the upper classes and moderation in avarice and covetousness on the part of the lower classes.*

This equality is said to be a speculative fantasy that cannot exist in practice. But if abuse is inevitable, does it follow that it must not at least be regulated? It is precisely because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it.

But these general objects of all good institutions should be modified in each country according to the relationships that arise as much from the local situation as from the character of the inhabitants, and it is on the basis of these relationships that each people must be assigned a particular system of institutions that is the best, not perhaps in itself, but for the State for which it is destined. For example, is the soil unprofitable and barren, or the country too small for its inhabitants? Turn to industry and the arts, the products of which can be exchanged for the foodstuffs you lack. On the contrary, do you inhabit rich plains and fertile hillsides? Do you lack inhabitants on good terrain? Apply all your efforts to agriculture, which multiplies men, and chase out the arts, which would merely complete the country's depopulation by concentrating its small number of inhabitants in a few locations.** Do you inhabit extensive, convenient shores? Cover the sea with ships; cultivate commerce and navigation. You will have a brilliant and brief existence. Is your coast merely a place where the sea meets almost inaccessible rocks? Remain barbarians and Fish Eaters; you will live more peacefully, better perhaps, and surely more happily. In short, apart from the maxims common to all, each people contains within itself some cause that organizes it in a particular manner and renders its legislation appropriate for it alone. Thus the Hebrews long ago and the Arabs recently have had Religion as their principal object; the Athenians, letters; Carthage and Tyre, commerce; Rhodes, navigation; Sparta, war; and Rome, virtue. The author of *The Spirit of Laws* has given large numbers of examples of the art by which the legislator directs the institutions toward each of these objects.[65]

The constitution of a State is made truly solid and enduring when matters of expediency are so well satisfied that natural relationships and

* Do you then want to give stability to the State? Bring the extremes as close together as possible: tolerate neither opulent people nor beggars. These two conditions, naturally inseparable, are equally fatal to the common good. From the one come those who foment tyranny and from the other the tyrants. It is always between them that trafficking in the public freedom takes place. The one buys it and the other sells it.

** Any type of foreign commerce, says the Marquis d'Argenson, spreads almost nothing but a deceptive utility for a kingdom in general. It can enrich some private individuals, even some towns; but the whole nation gains nothing from it and the people is not better off because of it.[64]

the laws always agree on the same points, and the latter only secure, accompany, and rectify, so to speak, the former. But if the Legislator makes a mistake about his objective and adopts a different principle from the one arising from the nature of things—whether one tends toward servitude and the other toward freedom, one toward wealth and the other toward population growth, or one toward peace and the other toward conquest—the laws will imperceptibly weaken, the constitution will be altered, and the State will not cease being agitated until it is either destroyed or changed, and invincible nature has regained its dominion.[66]

Chapter XII: Classification of Laws

Various relations have to be considered in order to organize the whole or give the commonwealth the best possible form.[67] First the action of the entire body acting upon itself—that is, the relationship of the whole to the whole, or of the Sovereign to the State; and this relationship is composed of the relationship of intermediary terms, as we shall see later.

The laws that regulate this relationship are named political laws, and are also called fundamental laws, not without a degree of reason if these laws are wise. For if there is only one correct way to organize each State, the people that has found it should abide by it; but if the established order is bad, why should one accept, as fundamental, laws that prevent it from being good? Besides, in any event a people is always the master to change its laws—even the best laws; for if it wishes to do itself harm, who has the right to prevent it from doing so?

The second relation is that of the members to each other or to the entire body. And this relationship should be as small as possible with respect to the former and as large as possible with respect to the latter, so that each Citizen is in a position of perfect independence from all the others and of excessive dependence upon the City. This is always achieved by the same means, because only the force of the State creates the freedom of its members. It is from this second relationship that civil laws arise.

It is possible to consider a third type of relation between man and the law, namely that of disobedience and penalty. And this gives rise to the establishment of criminal laws, which are basically not so much a particular type of law as a sanction for all the others.

To these three types of laws is added a fourth, the most important of all; which is not engraved on marble or bronze, but in the hearts of the citizens; which is the genuine constitution of the State; which gains fresh force each day; which, when other laws age or die out, revives or replaces them, preserves a people in the spirit of its institution, and imperceptibly substitutes the force of habit for that of authority. I am speaking of

morals, customs, and especially of opinion—a part of the laws unknown to our political thinkers, but on which the success of all the others depends; a part to which the great Legislator attends in secret while appearing to limit himself to the particular regulations that are merely the sides of the arch of which morals, slower to arise, form at last the unshakable Keystone.

Among these various Classes, political laws, which constitute the form of Government, are the only ones relevant to my subject.

END OF THE SECOND BOOK

BOOK III

Before discussing the various forms of Government, let us try to define the precise meaning of this word, which has not yet been very well explained.

Chapter I: On Government in General

I warn the reader that this chapter should be read carefully, and that I do not know the art of being clear for those who are not willing to be attentive.[68]

Every free action has two causes that combine to produce it. One is moral, namely the will that determines the act; the other is physical, namely the power that executes it. When I walk toward an object, I must first want to go there, and in the second place my feet must take me there. A paralyzed man who wants to run, or an agile man who does not want to do so, will both remain where they are.[69] The body politic has the same motivating causes; force and will are distinguishable within it in the same sense, the latter under the name *legislative power* and the former under the name *executive power*. Nothing is or should be done there without their cooperation.

We have seen that the legislative power belongs to the people and can belong only to it. It is easy to see, on the contrary, by the principles already established, that the executive power cannot belong to the general public in its Legislator's or Sovereign capacity, because this power consists solely of particular acts which are not within the jurisdiction of the law, nor consequently of the Sovereign, all of whose acts can only be laws.

The public force must therefore have its own agent, which unites it and puts it into operation according to the directions of the general will; which serves as a means of communication between the State and the Sovereign; and which does in a sense for the public person what the union of the soul and the body does in man. This is the reason why, in the State, there is Government, which has been incorrectly confounded with the Sovereign, of which it is only the minister.

What is the Government then? An intermediate body established between the subjects and the Sovereign for their mutual communication, and charged with the execution of the laws and the maintenance of civil as well as political freedom.

The members of this body are called Magistrates or *Kings*, that is to say, *Governors*; and the body as a whole bears the name *Prince*.* Thus those

* Thus in Venice the college is given the name *most serene prince* even when the Doge is not in attendance.[70]

who claim that the act by which a people subjects itself to leaders is not a contract are entirely right. It is absolutely nothing but a commission, an employment in which, as simple officers of the Sovereign, they exercise in its name the power that has been entrusted to them by the sovereign, and that the sovereign can limit, modify, and take back whenever it pleases, since the alienation of such a right is incompatible with the nature of the social body and contrary to the goal of the association.

I therefore give the name *Government* or supreme administration to the legitimate exercise of the executive power, and Prince or magistrate to the man or the body charged with that administration.

It is in the government that are found the intermediate forces whose relationships compose the relationship of the whole to the whole or of the Sovereign to the State. The latter relationship can be represented by the extremes of a continuous proportion, of which the proportional mean is the Government. The government receives from the Sovereign the orders that it gives to the people; and in order for the State to be in good equilibrium, all things considered, the product or power of the Government, taken by itself, must be equal to the product or power of the citizens, who are sovereigns on the one hand and subjects on the other.[71]

Moreover, none of the three terms could be altered without simultaneously destroying the proportion. If the Sovereign wants to govern, or if the magistrate wants to make laws, or if the subjects refuse to obey, disorder replaces rule, force and will no longer act in concert, and the dissolved State thereby falls into despotism or anarchy. Finally, since there is only one proportional mean for each relationship, there is no more than one good government possible in a State. But as a thousand events can change the relationships of a people, not only can different Governments be suited to various peoples, but also to the same people at different times.

To try to give some idea of the various relationships that can exist between these two extremes, I shall take as an example the number of people, which is a comparatively easy relationship to express.

Let us suppose that the State is composed of ten thousand Citizens. The Sovereign can only be considered collectively and as a body. But each private individual in his status as a subject is considered as an individual. Thus the Sovereign is to the subject as ten thousand is to one. Which is to say that the share of each member of the State is only one ten-thousandth of the sovereign authority, even though he is totally subjected to it. If the people is composed of one hundred thousand men, the condition of the subjects does not change, and each is equally under the whole dominion of the laws, while his vote, reduced to one hundred-thousandth, has ten times less influence on their drafting. Thus since the subject always

remains one, the ratio of the Sovereign to the subject increases in proportion to the number of Citizens.[72] From which it follows that the larger the State grows, the less freedom there is.

When I say that the ratio increases, I mean that it grows further away from equality. Thus the greater the ratio in the Geometer's sense, the less relationship there is in the ordinary sense.[73] In the former, the ratio—considered in terms of quantity—is measured by the quotient, and in the latter, the relationship—considered in terms of likeness—is estimated by the similarity.

Now the less relationship there is between private wills and the general will, that is between the morals and the laws, the more repressive force should increase. Thus, in order for the Government to be good, it ought to be relatively stronger in proportion as the people is more numerous.

On the other hand, as the enlargement of the State gives those entrusted with the public authority more temptations and means to abuse their power, the more force the Government should have to restrain the people, the more the Sovereign should have in turn to restrain the Government. I am not speaking here of absolute force, but of the relative force of the various parts of the State.

It follows from this double relationship that the continuous proportion between the Sovereign, the Prince, and the people is no arbitrary idea, but rather a necessary consequence of the nature of the body politic. It also follows that since one of the extremes, namely the people as subject, is fixed and represented by unity, whenever the doubled ratio increases or decreases, the simple ratio increases or decreases similarly; and that consequently the middle term is changed.[74] This shows that there is no unique and absolute constitution of Government, but that there can be as many Governments of different natures as there are States of different sizes.

If in ridiculing this system, it was said that in order to find this proportional mean and form the body of the Government, it is only necessary, according to me, to calculate the square root of the number of people, I would reply that I merely use that number here as an example; that the relationships of which I speak are not measured solely by the number of men, but in general by the quantity of action, which is itself the combined result of a multitude of causes; and moreover that if I momentarily borrow the vocabulary of geometry in order to express myself in fewer words, I am nevertheless not unaware that geometric precision does not exist in moral quantities.

The Government is on a small scale what the body politic that contains it is on a large scale. It is a moral person, endowed with certain faculties;

active like the Sovereign, passive like the State; and that can be broken down into other similar relationships from which a new proportion consequently arises, and still another within this one according to the order of tribunals, until an indivisible middle term is reached; that is, a single leader or supreme magistrate, who can be considered, in the middle of this progression, as the unity between the series of fractions and that of whole numbers.[75]

Without becoming involved in this multiplication of terms, let us be satisfied to consider the Government as a new body in the State, distinct from both the people and the Sovereign, and intermediate between them.

The essential difference between these two bodies is that the State exists by itself, but the Government exists only through the Sovereign. Thus the dominant will of the prince is not or should not be anything except the general will or the law; his force is only the public force concentrated in him. As soon as he wants to derive from himself some absolute and independent act, the bond tying the whole together begins to loosen. If it finally came about that the Prince had a private will more active than that of the Sovereign, and that he used some of the public force at his discretion to obey that private will, so that there were, so to speak, two sovereigns—one by right, the other in fact—at that moment the social union would vanish and the body politic would be dissolved.[76]

However, in order for the body of the Government to exist, to have a real life that distinguishes it from the body of the State, and for all its members to be able to act in concert and fulfill the purpose for which it is instituted, it must have a particular *self*, a sensibility shared by its members, a force or will of its own that leads to its preservation. This particular existence supposes assemblies, councils, power to deliberate and decide, rights, titles, privileges that belong exclusively to the Prince and that make the magistrate's status more honorable in proportion as it is more laborious. The difficulties lie in organizing this subordinate whole within the whole in such a way that it does not change the general constitution by strengthening its own; that it always distinguishes between its particular force intended for its own preservation and the public force intended for the preservation of the State; and in short that it is ever ready to sacrifice the Government to the people and not the people to the Government.

Besides, although the artificial body of the Government is the product of another artificial body and has, in a sense, only a borrowed and subordinate life, this does not prevent it from acting with more or less vigor or speed, or from enjoying a more or less robust state of health, so to speak. Finally, without directly departing from the goal of its institution, it can

deviate from that goal to a greater or lesser extent according to the way in which it is constituted.

From all these differences arise the various relationships the Government ought to have with the body of the State, according to the accidental and particular relationships that modify a given State. For often the Government that is in itself the best will become the worst if its relationships are not modified according to the defects of the body politic to which it belongs.

Chapter II: On the Principle That Constitutes the Various Forms of Government

In order to present the general cause of these differences, it is necessary here to distinguish between the Prince and the Government, as I have already distinguished between the State and the Sovereign.

The body of the magistracy can be composed of a larger or smaller number of members. We have said that the ratio of the Sovereign to the subjects was greater as the people was more numerous, and by an obvious analogy we can say the same about the Government with reference to the Magistrates.

Now the total force of the Government, being always that of the State, does not vary; from which it follows that the more of this force the government uses on its own members, the less is left for acting upon the entire people.

Therefore, the more numerous the Magistrates, the weaker the Government. Since this maxim is fundamental, let us try to explain it more clearly.

We can distinguish three essentially different wills in the person of the magistrate. First, the individual's own will, which tends only toward his private advantage. Second, the common will of the magistrates, which relates uniquely to the advantage of the Prince; which may be called the corporate will, and is general in relation to the Government and private in relation to the State, of which the Government is a part. Third, the will of the people or the sovereign will, which is general both in relation to the State considered as the whole and in relation to the Government considered as part of that whole.[77]

In perfect legislation, the private or individual will should be null; the corporate will of the Government very subordinate; and consequently the general or sovereign will always dominant and the unique rule of all the others. According to the natural order, on the contrary, these different wills become more active as they are more concentrated. Thus the general will is always the weakest, the corporate will has second place, and

the private will is the first of all. So that each member of the Government is first himself, and then Magistrate, and then citizen—a gradation that is exactly opposite to the one required by the social order.

Given the above, suppose that the entire Government is in the hands of one man. Then the private will and the corporate will are perfectly combined, and consequently the latter attains the highest possible degree of intensity. Now as the use of force is dependent on the degree of will, and as the absolute force of the Government does not vary, it follows that the most active of Governments is that of one man.

On the contrary, let us combine the Government with the legislative authority; let us make the Prince out of the Sovereign and all of the Citizens into as many magistrates. Then the corporate will has no more activity than the general will with which it is combined, and leaves to the private will its full force. Thus the government, always with the same absolute force, will have the minimum relative force or activity.

These relationships are incontestable and are further confirmed by other considerations. It is apparent, for example, that each magistrate is more active in his group than each citizen in his, and consequently that the private will has much more influence on acts of the Government than on those of the Sovereign. For each magistrate is almost always responsible for some function of the Government, whereas each citizen, taken separately, performs no function of sovereignty. Besides, the more the State expands, the more its real force increases, although not in proportion to its size. But if the State stays the same, increasing the number of magistrates is useless; the Government does not thereby acquire greater real force, because this force is that of the State, whose size is unchanged. Thus the relative force or the activity of the Government diminishes, while its absolute or real force cannot increase.

It is also certain that business is expedited more slowly in proportion as more people are responsible for it; that by overestimating prudence, chance is underestimated, opportunity escapes, and by dint of deliberating, the fruits of deliberation are often lost.

I have just proved that the Government becomes slack in proportion as the magistrates multiply, and I have proved earlier that the more numerous the people, the greater the increase in repressive force should be. From which it follows that the ratio of magistrates to Government should be the inverse of the ratio of subjects to Sovereign, which means that the more the State grows, the more the Government should shrink, so that the number of leaders diminishes in proportion to the increase of people.[78]

However, I refer here only to the relative force of the Government,

and not to its rectitude. For on the contrary, the more numerous the body of magistrates, the closer the corporate will is to the general will, whereas under a unique magistrate, this same corporate will, as I have said, is merely a private will. Thus what can be gained on one side is lost on the other, and the Legislator's art is to know how to find the point at which the Government's force and will, always in a reciprocal proportion, are combined in the relationship most advantageous to the State.

Chapter III: Classification of Governments

In the preceding chapter, we have seen why the various kinds or forms of Governments are distinguished by the number of members composing them. It remains to be seen in this chapter how this classification is made.

The Sovereign can, in the first place, entrust the Government to the entire people or to the majority of people, so that there are more citizens who are magistrates than citizens who are simply private individuals. This form of Government is given the name *Democracy*.

Or else it can restrict the Government to the hands of a small number, so that there are more simple Citizens than magistrates; and this form bears the name *Aristocracy*.

Finally, it can concentrate the whole Government in the hands of a single magistrate from whom all the others derive their power. This third form is the most common, and is called *Monarchy* or royal Government.[79]

It should be noted that all these forms, or at least the first two, admit different degrees, and even have a rather broad range. For Democracy can include all the people, or be restricted to half. In turn, Aristocracy can be indeterminately restricted from half the people down to the smallest number. Even Royalty admits some division. Sparta constantly had two Kings as provided by its constitution; and in the Roman Empire there were as many as eight Emperors at a time, yet one couldn't say that the Empire was divided. Thus there is a point at which each form of Government is indistinguishable from the next, and it is apparent that under these three names, Government really admits as many diverse forms as there are Citizens in the State.

Furthermore, since this same Government can, in certain respects, be subdivided into other segments, one administered in one way, the other in another, the combination of these three forms can produce a multitude of mixed forms, each of which can be multiplied by all the simple forms.

People have always argued a great deal over the best form of Government, without considering that each of them is the best in certain cases, and the worst in others.

If the number of supreme magistrates in different States ought to be in inverse proportion to the number of Citizens, it follows that in general Democratic government is suited to small States, Aristocratic to medium-sized ones, and Monarchical to large ones. This rule is derived directly from the principle; but countless circumstances can furnish exceptions.

Chapter IV: On Democracy

He who makes the law knows better than anyone else how it ought to be executed and interpreted. It therefore seems that there could be no better constitution than one in which the executive power is combined with the legislative. But it is this very thing that makes such a Government inadequate in certain respects, because the things that ought to be distinguished are not, and the Prince and the Sovereign, being nothing but the same person, form so to speak only a Government without a Government.

It is not good for him who makes the laws to execute them, nor for the body of people to turn its attention away from general considerations to particular objects. Nothing is more dangerous than the influence of private interests on public affairs; and the abuse of laws by the Government is a lesser evil than the corruption of the Legislator, which is the inevitable consequence of private considerations. Then, the substance of the State being changed, all reform becomes impossible. A people who would never take advantage of Government would never take advantage of independence either. A people who would always govern well would not need to be governed.

In the strict sense of the term, a genuine Democracy has never existed and never will exist. It is contrary to the natural order that the majority govern and the minority be governed. It is unimaginable that the people remain constantly assembled to attend to public affairs, and it is obvious that it could not establish commissions to do so without changing the form of administration.

Indeed, I believe it can be stated as a principle that when the functions of the Government are divided among several tribunals, those with the fewest members sooner or later acquire the greatest authority, if only because of the facility in expediting business which brings this about naturally.

Besides, consider how many things that are hard to combine are presupposed by this form of Government. First, a very small State where the people is easily assembled and where each citizen can easily know all the others. Second, great simplicity of morals, which prevents a multi-

tude of business and knotty discussions. Next, a great equality of ranks and of fortunes, without which equality of rights and authority could not subsist for long. Finally, little or no luxury, because either luxury is the result of wealth, or it makes wealth necessary. It corrupts both rich and poor, the one by possessing, the other by coveting. It sells out the fatherland to indolence and vanity; it deprives the State of all of its Citizens by enslaving some of them to others and all of them to opinion.

That is why a famous Author named virtue as the principle of a Republic. For all these conditions could not subsist without virtue. But because he failed to make the necessary distinctions, this noble genius often lacked precision, sometimes clarity; and he did not see that since the sovereign authority is everywhere the same, the same principle ought to apply to every well-constituted State, albeit to a greater or lesser degree according to the form of Government.[80]

Let us add that there is no Government so subject to civil wars and internal agitations as the Democratic or popular one, because there is none that tends so strongly and constantly to change its form, nor that demands more vigilance and courage to be maintained in its own form. It is above all under this constitution that the Citizen ought to arm himself with force and constancy, and repeat every day of his life from the bottom of his heart what a virtuous Palatine* said in the Diet of Poland: *Malo periculosam libertatem quam quietum servitium.*[81]

If there were a people of Gods, it would govern itself Democratically. Such a perfect Government is not suited to men.

Chapter V: On Aristocracy

We have here two quite distinct moral persons, namely, the Government and the Sovereign; and consequently two general wills, one relative to all the citizens, the other solely for the members of the administration. Thus, although the Government can regulate its internal policy in whatever way it pleases, it can never speak to the people except in the name of the Sovereign, that is in the name of the people itself. This must never be forgotten.

The first societies governed themselves aristocratically. The heads of families deliberated among themselves about public affairs. Young people deferred without difficulty to the authority of experience. This is the source of the names *Priests, ancients, senate, Elders*. The savages of North America still govern themselves in this manner, and are very well governed.

*The Palatine of Posen, father of the King of Poland, Duke of Lorraine.

But as instituted inequality came to predominate over natural inequality, wealth or power* was preferred to age, and Aristocracy became elective. Finally, when power was passed on together with goods from father to children, creating patrician families, the Government was made hereditary, and there were Senators only twenty years old.

There are, therefore, three kinds of Aristocracy: natural, elective, and hereditary. The first is suited only to simple peoples. The third is the worst of all Governments. The second is the best; it is Aristocracy properly so-called.[83]

Besides the advantage of distinguishing between the two powers, aristocracy has that of the choice of its members. For in popular Government all the Citizens are born magistrates, whereas this type limits them to a small number, and they become magistrates only through election,** a means by which probity, enlightenment, experience, and all the other reasons for public preference and esteem become so many new guarantees of being wisely governed.

Moreover, assemblies are more conveniently held, business is better discussed and acted upon in a more orderly and diligent manner, the prestige of the State is better sustained in foreign countries by venerable senators than by an unknown or scorned multitude.

In short, it is the best and most natural order for the wisest to govern the multitude, as long as it is certain that they govern for its benefit and not for their own. Devices must not be multiplied uselessly, nor must twenty thousand men do what one hundred well-chosen men can do still better. But it must be noted that here the corporate interest begins to direct the public force in accordance with the rule of the general will to a lesser degree, and that another unavoidable tendency exempts from the laws a part of the executive power.

With regard to particular matters of expediency, a State must not be so small, nor a people so simple and upright, that the execution of laws follows immediately from the public will, as is the case in a good Democracy. Nor must a nation be so large that the leaders, dispersed to govern it, can each make decisions for the Sovereign in his own department, and begin by making themselves independent in order to become masters in the long run.

* It is clear that among ancient peoples the word *Optimates* does not mean the best, but the most powerful.[82]

** It is extremely important to regulate by laws the form of the election of magistrates. Because if it is left up to the will of the Prince, the government unavoidably falls into a hereditary Aristocracy, as happened in the Republics of *Venice* and *Bern*. So it is that the former has long been a dissolute State, whereas the latter has maintained itself through the extreme wisdom of its Senate. It is a very honorable and very dangerous exception.

But if Aristocracy requires somewhat fewer virtues than popular Government, it also requires others which are specific to it, such as moderation among the rich and contentment among the poor. For it seems that rigorous equality would be misplaced in an aristocracy. It was not even adhered to in Sparta.

Besides, if this form includes some inequality of wealth, it is simply in order for the administration of public affairs to be generally confided to those who can best devote all their time to it; but not, as Aristotle claims, for the rich to be always given preference.[84] On the contrary, it is important that an opposite choice should occasionally teach the people that personal merit offers more important reasons for preference than does riches.

Chapter VI: On Monarchy

Up to this point, we have considered the Prince as a moral and collective person, united by the force of laws and entrusted with the executive power in the State. Now we have to consider this power brought together in the hands of a natural person, a real man, who alone has the right to dispose of it according to the laws. He is what is called a Monarch or a King.

Completely to the contrary of the other administrations, where a collective being represents an individual, in this one an individual represents a collective being; so that the moral unity which constitutes the Prince is at the same time a physical unity, in which all the faculties combined with such difficulty by law in the other administrations are combined naturally.

Thus the will of the people and the will of the Prince, and the public force of the State and the particular force of the Government, all respond to the same motivation; all the mechanisms of the machine are in the same hands; everything moves toward the same goal; there are no opposing movements that are mutually destructive; and there is no constitution imaginable in which a lesser effort produces a greater action. Archimedes sitting tranquilly on the shore and effortlessly pulling a huge Vessel over the waves is my image of a skillful monarch governing his vast States from his study, and setting everything in motion while appearing immobile himself.

But if no other Government has more vigor, there is none where the private will has greater sway and more easily dominates the others. Everything moves toward the same goal, it is true, but this goal is not that of public felicity, and the very force of the Administration is constantly detrimental to the State.

Kings want to be absolute, and from afar one cries out to them that

the best way to be so is to make themselves loved by their peoples. This maxim is very fine and even very true in certain respects. Unfortunately, it will always be ridiculed in royal Courts. The power that comes from the peoples' love is doubtless the greatest, but it is precarious and conditional. Princes will never be satisfied with it. The best Kings want to be able to be wicked if it so pleases them, without ceasing to be the masters. A political sermonizer tells them in vain that since the force of the people is their own, their greatest interest is that the people should be flourishing, numerous, formidable. They know very well this is not true. Their personal interest is first of all that the People should be weak, miserable, and unable ever to offer any resistance to them. I admit that, assuming the subjects were always perfectly submissive, the Prince's interest would then be for the people to be powerful, so that this power, being his, would make him formidable in the eyes of his neighbors. But as this interest is only secondary and subordinate, and as the two assumptions are incompatible, it is natural that Princes should always prefer the maxim that is the more immediately useful to them. This is what Samuel so strongly pointed out to the Hebrews; and what Machiavelli showed with clarity. While pretending to give lessons to Kings, he gave great ones to the people. Machiavelli's *The Prince* is the book of republicans.*

We found, through general relationships, that monarchy is suited only to large States, and we find this again in examining monarchy itself. The more numerous the public administration, the more the ratio of the Prince to the subjects decreases and approaches equality, so that this ratio is one to one, or equality itself, in a Democracy. This same ratio increases in proportion as the Government is more restricted, and it is at its maximum when the Government is in the hands of one man. The distance between the Prince and the People is then too great, and the State lacks cohesion. In order to create this, therefore, there must be intermediate orders; there must be Princes, Grandees, and nobility to fill them. Now none of that is suited to a small State, which is ruined by all these distinctions.

But if it is difficult for a large State to be well governed it is even more so for it to be well governed by one man alone, and everyone knows what happens when the King appoints agents.

*Machiavelli was a decent man and a good citizen; but being attached to the Medici household, he was forced, during the oppression of his fatherland, to disguise his love of freedom. The choice of his execrable Hero is in itself enough to make manifest his hidden intention; and the contrast between the maxims of his Book *The Prince* and those of his *Discourses on Titus Livy* and of his *History of Florence* shows that this profound political thinker has had only superficial or corrupt Readers until now. The Court of Rome has severely forbidden his book. I can well believe it; it is the court that he most clearly depicts.[85]

An essential and inevitable defect, which will always place monarchical government below republican, is that in the latter the public voice almost never raises to high positions any but enlightened, capable men, who fulfill them with honor; whereas those who attain them in monarchies are most often merely petty troublemakers, petty rascals, petty intriguers, whose petty talents—which lead to high positions in royal Courts—serve only to reveal their ineptitude to the public as soon as these men are in place. The public makes a mistake in its choice much less often than the Prince, and a man of real merit is nearly as rare in a ministry as a fool at the head of a republican government. So it is that when, by some lucky chance, one of those men who are born to govern takes control of public affairs in a Monarchy that has almost been wrecked by this bunch of fine managers, people are all amazed at the resources he finds, and it is epoch-making for the whole country.[86]

For a monarchical State to be well governed, its size or extent would have to be measured by the capabilities of the one who governs. It is easier to conquer than to administer. With a big enough lever, it is possible to move the world with one finger, but holding it up requires the shoulders of Hercules. If the State is the least bit large, the Prince is almost always too small. When, on the contrary, it happens that the State is too small for its leader, which is very rare, it is still badly governed, because the leader, always pursuing his grandiose views, forgets the peoples' interests and by misusing his excessive talents, makes them no less unhappy than does a stupid leader who is limited by his lack of talents. The kingdom would, so to speak, have to expand or shrink with each reign depending on the competence of the Prince. In contrast, because the talents of a Senate are more stable, the State can have invariable boundaries and the administration be no less well run.

The most evident drawback of the Government of one man is the lack of continuous successions which, in the two others, form an unbroken bond. When one King dies, another is needed. Elections leave dangerous intervals; they are stormy, and unless the Citizens have a disinterestedness and integrity rarely found in this form of Government, intrigue and corruption are involved. It is difficult for one to whom the State has been sold not to sell it in turn, and compensate at the expense of the poor for the money that has been extorted from him by the powerful. Sooner or later, everything becomes venal under such an administration, and the peace then enjoyed under kings is worse than the disorder of the interregna.

What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of Succession has been established which prevents all dispute when Kings die. Which is to say that

by substituting the drawback of regencies for that of elections, apparent tranquillity has been preferred to a wise administration; and that the risk of having children, monsters, or imbeciles for leaders has been preferred to having to argue over the choice of good Kings. People have not considered that in being thus exposed to the risks of the alternative, they have almost all the odds against them. Dionysius the Younger answered very sensibly when his father, reproaching him for a shameful action, asked, have I given you such a an example? Ah, replied his son, your father wasn't a king.[87]

Everything conspires to deprive of justice and reason a man raised to command others. A great effort is made, it is said, to teach young Princes the art of ruling. It does not appear that this education does them any good. It would be better to start by teaching them the art of obeying. The most famous kings in history were not brought up to rule. It is a science that is never less well known than after it has been learned, and that is better acquired by obeying than by commanding. *Nam utilissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio Principe au volueris.** [88]

One consequence of this lack of coherence is the instability of a royal government which, guided sometimes by one plan and sometimes by another, according to the character of the ruling Prince or of those ruling for him, cannot have a fixed object for long, nor a consistent mode of conduct. This variability always causes the State to vacillate from maxim to maxim, from project to project, and does not occur in other Governments, where the Prince is always the same. It also appears that in general, although there may be more cunning in a royal Court, there is more wisdom in a Senate; and that Republics pursue their goals by means of policies that are more consistent and better followed; whereas each revolution in a royal Ministry causes one in the State, given the maxim common to all Ministers and almost all Kings of doing the reverse of their predecessors in everything.

This same incoherence also provides the answer to the sophism that is habitually used by political thinkers of royalty. Not only is civil Government compared to domestic government, and the prince to the father of the family—an error already refuted—but this magistrate is liberally given all the virtues he might need, and it is always assumed that the Prince is what he ought to be. With the help of this assumption, royal Government is evidently preferable to any other, because it is incontestably the strongest; and to be the best as well, it lacks only a corporate will more consistent with the general will.

* Tacitus, *Histories*, Book I.

But if according to Plato,* a King by nature is such a rare person, how many times will nature and chance combine to crown him; and if a royal education necessarily corrupts those who receive it, what is to be hoped for from a series of men brought up to rule? It is surely deliberate self-deception, then, to confuse royal Government with that of a good King. In order to see what this Government is in essence, it must be considered under stupid or wicked Princes, for either they are like this when they ascend the Throne, or the Throne makes them so.

These difficulties have not escaped the notice of our Authors, but they have not been troubled by them. The remedy, they say, is to obey without a murmur. God in his anger gives us bad Kings, and they must be endured as punishments from Heaven. This discourse is doubtless edifying, but I am not sure whether it would not be better suited to the pulpit than to a book of politics. What can be said of a Doctor who promises miracles, and whose whole art consists of exhorting the sick to be patient? Everyone knows perfectly well that when there is a bad Government it must be endured. The question would be to find a good one.

Chapter VII: On Mixed Governments

Properly speaking, there is no simple Government. A single Leader must have subordinate magistrates; a popular Government must have a Leader. Thus in the division of the executive power there is always a gradation from the many to the few, with the difference that sometimes the many depend on the few and sometimes the few on the many.

Occasionally there is an equal division; either when the constituent parts are mutually dependent, as in the Government of England, or when the authority of each part is independent but incomplete, as in Poland. The latter form is bad, because there is no unity in the Government and the State lacks cohesion.

Which is better, a simple or a mixed Government? The question is much debated among political thinkers, and it requires the same answer that I gave above concerning all forms of Government.

Simple Government is the best in itself, by the very fact that it is simple. But when the executive Power does not depend enough on the legislative power, that is when there is a greater ratio between Prince and Sovereign than between People and Prince, this defect in the proportion must be remedied by dividing the Government.[90] For then all of its parts do not have any less authority over the subjects, and their division makes all of them together weaker when opposed to the Sovereign.

**The Statesman.*[89]

This same difficulty can also be prevented by establishing intermediate magistrates, who—leaving the Government whole—merely serve to balance the two Powers and to maintain their respective rights. Then the Government is not mixed; it is tempered.

The opposite difficulty can be remedied by similar means, and when the Government is too loose, Tribunals can be set up to consolidate it. This is done in all Democracies. In the first case, the Government is divided in order to be weakened; and in the second, to be strengthened. For the *maximum* of force and of weakness are both found in simple Governments, whereas mixed forms produce an average force.

Chapter VIII: That All Forms of Government Are Not Suited to All Countries

Freedom, not being a fruit of every Climate, is not accessible to all peoples. The more one ponders this principle established by Montesquieu, the more one senses its truth.[91] The more it is contested, the more opportunities there are to establish it by new proofs.

In all the Governments of the world, the public person consumes, yet produces nothing. What, then, is the source of the substance it consumes? The labor of its members. It is the excess of private individuals that produces what is necessary for the public. It follows from this that the civil state can subsist only as long as the product of men's labor exceeds their needs.

Now this surplus is not the same in all the countries of the world. In several, it is considerable; in others, very minimal; in others, nil; in others, negative. This ratio depends on the fertility of the climate, the kind of labor required by the land, the nature of its products, the force of the inhabitants, the greater or lesser consumption they need, and on several other similar ratios of which it is composed.

Besides, all Governments are not of the same nature. They are more or less voracious, and the differences between them are based on the additional principle that the further public contributions travel from their source, the more burdensome they are. This burden must not be measured by the amount of taxes, but by the distance they have to travel to return to the hands they came from. When this circulation is prompt and well established it does not matter whether the people pays a little or a lot. It is always rich and finances are always in good condition. On the contrary, however little the People may give, when this amount does not come back, it is soon exhausted by always giving. The State is never rich, and the people is always destitute.

It follows that the greater the distance between the people and the

Government, the more burdensome taxes become. Thus, the people is least burdened in a Democracy; more so in an Aristocracy; and in a Monarchy it bears the greatest weight. Monarchy, then, is only suited to opulent nations; Aristocracy to States of average wealth and size; Democracy to small and poor States.

In fact, the more one thinks about it, the more this explains the difference between free States and monarchies. In the former, everything is used for the common utility; in the latter, the public and private forces are reciprocal, and one is increased by the weakening of the other. Finally, rather than governing subjects in order to make them happy, despotism makes them miserable in order to govern them.

There are, then, for each climate natural causes on the basis of which it is possible to assign the form of Government toward which the force of the climate leads it, and even to say what type of inhabitants it should have. Unproductive and barren places, where the product is worth less than the labor to produce it, should remain uncultivated and deserted, or populated only by Savages. Places where the labor of men produces only the bare necessities should be inhabited by barbarous peoples; any polity would be impossible there. Places where the surplus of products over labor is moderate are suited to free peoples. Those where abundant and fertile soil produces a great deal with little labor demand monarchic government, so that the luxuries of the Prince consume the excess of the subjects' surplus, because it is better for this excess to be absorbed by the government than dissipated by private individuals. There are exceptions, I know. But these very exceptions prove the rule, in that they sooner or later produce revolutions that bring things back to the order of nature.

Let us always distinguish between general laws and the particular causes that can modify their effect. Even if the entire south were covered with Republics and the entire north with despotic States, it would be no less true that the effect of climate makes despotism suited to hot countries, barbarism to cold countries, and a good polity to intermediate regions. I see, further, that while granting the principle, there might be dispute over its application. It might be objected that there are very fertile cold countries and very unproductive southern ones. But this is a difficulty only for those who do not examine all the relationships involved. It is necessary, as I have said, to consider those of labor, force, consumption, etc.

Let us assume that given two equal pieces of land, one produces five and the other ten. If the inhabitants of the former consume four, and those of the latter nine, the excess of the first product will be ⅕, and that of the second ⅒. Since the ratio of these two surpluses is therefore the

inverse of the ratio of the products, the piece of land that produces only five will provide a surplus that is double that of the land that produces ten.

But it is not a question of a doubled product, and I do not think anyone dares to claim that the fertility of cold countries in general is even equal to that of hot countries. Nevertheless, let us assume this equality. Let us, if you wish, equate England with Sicily, and Poland with Egypt. Farther south, we will find Africa and the Indies; farther north, we will find nothing at all. To achieve this equality of products, what difference is there in cultivation? In Sicily, merely scratching the earth is all that is necessary; in England, what efforts it takes to work it! Now when there must be more hands to yield the same product, the surplus should necessarily be less.

Consider in addition that the same number of men consume much less in hot countries. The climate requires sobriety for good health. Europeans who want to live there in the same style as they do at home all die of dysentery and indigestions. *We are*, says Chardin, *carnivorous beasts, wolves, by comparison with Asians. Some attribute the Persians' sobriety to the fact that their country is less cultivated; but I believe, to the contrary, that their country is less abundant in foodstuffs because the inhabitants need less. If their frugality*, he continues, *were an effect of scarcity in the country, only the poor would eat little, whereas in general everyone does so, and more or less would be eaten in each province according to the fertility of the countryside, whereas the same sobriety is found everywhere in the kingdom. They praise themselves highly for their way of life, saying one need only look at their complexions to recognize how much better it is that that of Christians. In fact, the complexion of Persians is smooth. They have lovely, delicate, and polished skin, whereas the complexion of their subjects the Armenians, who live in the European manner, is coarse and blotchy, and their bodies are fat and heavy.*[92]

The closer one is to the equator, the less peoples live on. They eat almost no meat; rice, maize, couscous, millet, and cassava are their usual foods. In the Indies, there are millions of men whose nourishment costs under one cent a day. In Europe itself we see noticeable differences of appetite between the people of the north and the south. A Spaniard would live for a week on a German's dinner. In countries where men are more voracious, luxury as well turns toward things that are eaten. In England, luxury is shown by tables laden with meats; in Italy, you are treated to sugar and flowers.

Luxury in clothing also offers similar differences. In climates where seasonal changes are abrupt and violent, clothes are better and simpler; in those where dressing is merely for ornamentation, ostentation is more

sought after than utility, and clothes themselves are a luxury there. Every day in Naples, you will see men walking along the Posilippo wearing gold embroidered jackets, but no stockings. The same is true of buildings. Everything is devoted to magnificence when damage from the weather is not a worry. In Paris or London, people want to be lodged warmly and comfortably. In Madrid, there are superb drawing rooms, but not a window that closes; and people sleep in ratholes.

Foods are far more substantial and succulent in hot countries. This is a third difference that cannot fail to influence the second. Why are so many vegetables eaten in Italy? Because they are good, nourishing, and have excellent flavor there. In France, where they are grown only with water, they are not nourishing, and scarcely count at meals. However, they take up no less land, and require at least as much effort to cultivate. It is known from experience that the wheats of Barbary, in other respects inferior to French wheats, yield much more flour, and that those of France, in turn, yield more than the wheats of the north. It can be inferred from this that a similar gradation in the same direction is generally observed from the equator to the north pole. Now isn't it a clear disadvantage to have a lesser quantity of nourishment from equal amounts of produce?

To these different considerations, I can add another that is derived from them and strengthens them. It is that hot countries need fewer inhabitants than cold countries, yet could feed more of them. This produces a double surplus, always to the advantage of despotism. The larger the area occupied by a fixed number of inhabitants, the harder it becomes to revolt, because men cannot take concerted action promptly or secretly, and it is always easy for the Government to get wind of the plans and cut off communications. But the closer together a numerous people is, the less the Government can usurp from the Sovereign. Leaders deliberate as safely in their rooms as the Prince in his council, and the crowd assembles as quickly in the public squares as the troops in their quarters. The advantage of a tyrannical Government, in this regard, is thus to act over long distances. With the help of the points of support it sets up, its force increases with distance like that of levers.* The people's force, on the contrary, acts only when concentrated; it evaporates and is lost as it spreads, like the effect of gunpowder scattered on the ground, which only ignites

*This does not contradict what I said earlier, in Book II, chapter ix, about the disadvantages of large States. For there it was a question of the authority of the Government over its members, and here it is one of its force against the subjects. Its scattered members serve as points of support for acting upon the people from a distance, but it has no support for acting directly on these members themselves. Thus the length of the lever is in one instance the source of its weakness, and in the other of its strength.

grain by grain. The least populous countries are thus the best suited to Tyranny. Wild animals reign only in deserts.

Chapter IX: On the Signs of a Good Government

Therefore when one asks which is absolutely the best Government, one poses a question that is insoluble because it is indeterminate. Or, if you prefer, it has as many correct answers as there are possible combinations in the absolute and relative situations of peoples.[93]

But if one asks by what sign it is possible to know whether a given people is well or badly governed, this is something else again, and the question of fact could be resolved.

However, it is usually not resolved, because each wants to resolve it in his own way. Subjects praise public tranquillity, Citizens the freedom of private individuals. One prefers the safety of possessions, the other, that of persons. One claims that the best Government is the most severe; the other maintains that it is the mildest. This one wants crimes punished, and that one wants them prevented. One thinks it is fine to be feared by the neighbors; the other prefers to be ignored by them. One is satisfied when money circulates; the other demands that the people have bread. Even if there were agreement on these and other similar points, would a solution be any nearer? Since moral quantities cannot be precisely measured, even if there were agreement about the sign, how could there be about the way to estimate it?

As for me, I am always astounded that one very simple sign is overlooked or not agreed upon out of bad faith. What is the end of the political association? It is the preservation and prosperity of its members. And what is the surest sign that they are preserved and prospering? It is their number and their population. Therefore, don't seek this much disputed sign elsewhere. All other things being equal, the Government under which—without external aid, without naturalization, without colonies—the Citizens populate and multiply the most is infallibly the best. One under which a people grows smaller and dwindles away is the worst. Calculators, it is up to you now. Count, measure, compare.*

*The same principle should be used to judge the centuries that deserve preference in terms of the prosperity of the human race. Those in which letters and arts flourished have been overly admired, without discovering the secret object of their cultivation and without considering its disastrous effect, *idque apud imperitos humanitas vocabatur, cum pars servitutis esset*.[94] Will we never notice in the maxims of books the vulgar interest that prompts the Authors to speak? No; whatever they may say, when the population of a country decreases, despite its brilliance it is not true that all goes well; and that one poet has a hundred thousand pounds of income is not enough to make his century the best of all. Less consideration must be given to the apparent calm and to the leaders' tranquillity than to the well-being of entire nations and especially of the most populous social classes. Hail ravages a few cantons,

Chapter X: On the Abuse of Government and Its Tendency to Degenerate

Just as the private will acts incessantly against the general will, so the Government makes a continual effort against Sovereignty. The greater this effort becomes, the more the constitution changes, and as there is here no other corporate will which, by resisting the will of the Prince, would balance it, sooner or later the Prince must finally oppress the Sovereign and break the social treaty. That is the inherent and inevitable vice which, from the emergence of the body politic, tends without respite to destroy it, just as old age and death destroy the body of a man.

There are two general routes by which a Government degenerates: namely when it shrinks, or when the State dissolves.

The Government shrinks when it passes from a large to a small number, that is from Democracy to Aristocracy and from Aristocracy to Royalty. That is its natural tendency.* If it were to go backward from a small num-

---

but it rarely creates famine. Riots and civil wars greatly frighten leaders, but they are not the true misfortunes of peoples, who may even have a period of respite while men argue about who will tyrannize over them. It is their permanent condition that gives rise to their true prosperities or calamities. It is when everything remains crushed under a yoke that everything perishes. It is then that leaders destroy them at their pleasure, *ubi solitudinem faciunt, pacem appellant*.[95] When the rivalries of the great agitated the kingdom of France, and the Coadjutor of Paris went to the Parlement carrying a dagger in his pocket, these things did not prevent the French people from living happily and in large numbers in honest and free ease. Long ago, Greece flourished in the midst of the cruelest wars. Blood flowed freely, and the whole country was covered with men. It seemed, says Machiavelli, that in the midst of murders, proscriptions, civil wars, our Republic became more powerful; our citizens' virtue, their morals, their independence did more to reinforce it than all the dissensions to weaken it. A little agitation gives vitality to souls, and it is not so much peace as freedom that makes the species truly prosper.[96]

*The slow formation and the development of the Republic of Venice in its lagoons offers a notable example of this succession. And it is quite amazing that after more than twelve hundred years, the Venetians seem to be still only at the second stage, which began with the *Serrar di Consiglio* in 1198. As for the ancient Dukes who are held against them, whatever the *squitinio della libertà veneta* may say,[97] it has been proved that they were not their Sovereigns.

The Roman Republic will not fail to be cited as an objection, for supposedly following a completely opposite development, changing from monarchy to Aristocracy and from Aristocracy to Democracy. I am far from thinking of it in these terms.

The original establishment of Romulus was a mixed Government which promptly degenerated into Despotism. By some particular causes, the State perished prematurely, as a newborn dies before reaching manhood. The expulsion of the Tarquins was the true epoch of the birth of the Republic. But it did not assume a constant form at first, because by not abolishing the patriciate, only half the work was done. Because the hereditary Aristocracy—which is the worst kind of legitimate administration—in this way remained in conflict with the Democracy, the form of the Government—always uncertain and up in the air—was not settled, as Machiavelli has proved, until the establishment of the Tribunes.[98] Only then was there a true Government and a genuine Democracy. In fact, the people then was not merely Sovereign, but also magistrate and judge; the Senate was only a subordinate tribunal to temper and concentrate the Government; and the Consuls themselves, albeit Patricians,

ber to a large one, it could be said to slacken, but this reverse development is impossible.

Indeed, the Government never changes its form except when its worn-out mechanism leaves it too weakened to be able to preserve itself. Now if it were to grow still more slack by further extending itself, its force would become entirely null, and it would be even less likely to subsist. The mechanism must therefore be wound up and tightened in proportion as it gives way; otherwise the State it supports would fall into ruins.

The dissolution of the State can come about in two ways.

First, when the Prince no longer administers the State in accordance with the laws and usurps the sovereign power. Then a remarkable change takes place, which is that not the Government but the State shrinks. I mean that the large State dissolves and another is formed within it that is composed solely of the members of the Government and is no longer anything for the rest of the People except its master and tyrant. So that the instant the Government usurps sovereignty, the social compact is broken, and all the ordinary Citizens, by right recovering their natural freedom, are forced but not obligated to obey.

Dissolution also occurs when the members of the Government separately usurp the power that they ought only to exercise as a body. This is no less an infraction of the laws, and produces even greater disorder. Then there are, so to speak, as many Princes as there are Magistrates, and the State—no less divided than the Government—perishes or changes its form.

When the State dissolves, the abuse of Government of any type whatever takes the general name *anarchy*.[99] To distinguish, Democracy degenerates into *Ochlocracy*; Aristocracy into *Oligarchy*. I would add that Royalty degenerates into *Tyranny*, but this latter term is equivocal and requires explanation.

In the ordinary sense, a Tyrant is a King who governs with violence and without regard for justice and the laws. In the precise sense, a Tyrant

---

first Magistrates, and absolute Generals in war, were only presiding officers of the people in Rome.

From that time on, the Government was seen to follow its natural tendency and lean strongly toward Aristocracy. As the Patriciate abolished itself in a sense, the Aristocracy no longer consisted in the body of Patricians as in Venice and Genoa, but in the body of the Senate, composed of Patricians and Plebeians, and even in the body of the Tribunes when they began to usurp active power. For words do not change things, and when the people has leaders who govern for it, whatever name these leaders may assume, they are always an Aristocracy.

The abuse of the Aristocracy gave rise to the civil wars and the Triumvirate. Sulla, Julius Caesar, Augustus became in fact true Monarchs, and finally under the despotism of Tiberius, the State was dissolved. Roman history, then, does not disprove my principle; it confirms it.

is a private individual who assumes the royal authority without having any right to it. The Greeks understood the word Tyrant in this manner, and they gave it indistinguishably to good and bad Princes whose authority was not legitimate.* Thus *Tyrant* and *usurper* are two words that are exactly synonymous.

In order to give different names to different things, I call the usurper of royal authority a *Tyrant* and the usurper of sovereign power a *Despot*. The Tyrant is one who takes over against the laws in order to govern according to the laws; the Despot is one who puts himself above the laws themselves. Thus a Tyrant need not be a Despot, but a Despot is always a Tyrant.

Chapter XI: On the Death of the Body Politic

Such is the natural and inevitable tendency of the best constituted Governments. If Sparta and Rome perished, what State can hope to endure forever? If we want to form a lasting establishment, let us therefore not hope to make it eternal.[101] To succeed, it is necessary not to attempt the impossible, nor to flatter oneself with giving a solidity to the work of men that human things do not allow.

The body politic, like the human body, begins to die at the moment of its birth, and carries within itself the causes of its destruction. But each can have a constitution that is more or less robust and suited to preserve it for a longer or shorter time. The constitution of man is the work of nature; that of the State is a work of art. It is not within the power of men to prolong their life; it is within their power to prolong that of the State as far as possible, by giving it the best constitution it can possibly have. Even the best constituted State will come to an end, but later than another, if no unforeseen accident brings about its premature downfall.

The principle of political life lies in the Sovereign authority. The legislative power is the heart of the State; the executive power is its brain, giving movement to all its parts. The brain can become paralyzed yet the individual is still alive. A man can remain an imbecile and live. But as soon as the heart has ceased to function, the animal is dead.[102]

It is not through laws that the State subsists, it is through the legislative power. Yesterday's law does not obligate today, but tacit consent

**Omnes enim et habentur et dicuntur Tyranni qui potestate utuntur perpetua, in ea Civitate quae libertate usa est.* Cornelius Nepos, *Life of Miltiades*.[100] It is true that Aristotle, *Nicomachean Ethics*, Book VIII, chapter x, distinguishes between Tyrant and King by the fact that the former governs for his own utility and the latter solely for the utility of his subjects. But besides the fact that generally all the Greek authors used the term Tyrant in another sense, as is best seen in Xenophon's *Hiero*, it would follow from Aristotle's distinction that since the beginning of the world, not a single King would as yet have existed.

is presumed from silence, and the Sovereign is assumed to confirm constantly the laws it does not repeal while having the power to do so. Everything the sovereign has once declared it wants, it always wants unless it revoked the declaration.

Why then is so much respect accorded to ancient laws? Because of their very age. People must believe that only the excellence of these ancient wills could have preserved them for so long. If the Sovereign had not constantly recognized them as salutary, it would have revoked them a thousand times over. That is why laws, far from weakening, continually acquire new force in every well-constituted State; the prejudice favoring antiquity renders them more venerable each day. In contrast, wherever the laws weaken as they grow older, it is proof that there is no longer any legislative power and that the State is no longer alive.

Chapter XII: How the Sovereign Authority Is Maintained

The Sovereign, having no other force than the legislative power, acts only by laws; and since the laws are only authentic acts of the general will, the Sovereign can only act when the people is assembled. The people assembled, it will be said, what a chimera! It is a chimera today, but this was not the case two thousand years ago. Have men changed their nature?

The limits of the possible in moral matters are less narrow than we think. It is our weaknesses, our vices, our prejudices that shrink them. Base souls do not believe in great men. Vile slaves smile mockingly at the word freedom.

Let us consider what can be done on the basis of what has been done. I shall not speak of the ancient republics of Greece; but the Roman Republic, it seems to me, was a large State, and the town of Rome a large town. The last Census gave Rome four hundred thousand Citizens bearing arms, and the last count of the Empire showed more than four million Citizens, not counting subjects, foreigners, women, children, slaves.

One could imagine the difficulties of calling frequent assemblies of the immense population of that capital and its environs. Yet few weeks went by in which the Roman people was not assembled, and even several times. It exercised not only the rights of sovereignty, but a part of those of Government as well. It handled certain business matters; it tried certain cases; and at the public assembly, this entire people was nearly as often magistrate as Citizen.

By going back to the earliest periods of Nations, it would be found that most of the ancient governments, even the monarchical ones like the Macedonians and the Franks, had similar Councils. In any case, this

one incontestable fact resolves the entire difficulty: the inference from the existent to the possible seems solid to me.

Chapter XIII: Continued

It is not sufficient for an assembled people to have once settled the constitution of the State by sanctioning a body of laws. It is not sufficient for it to have established a perpetual Government or provided, once and for all, for the election of magistrates. In addition to extraordinary assemblies that may be required by unforeseen situations, there must be some regular, periodical ones that nothing can abolish or postpone, so that on a designated day the people is legitimately convoked by law, without need of any other formal convocation.[103]

But except for these assemblies, lawful by their date alone, every assembly of the People that has not been called by the magistrates appointed for that purpose and in accordance with the prescribed forms ought to be considered as illegitimate and everything done at it as null; because the order to assemble should itself emanate from the law.

As for the frequency of legitimate assemblies, this depends on so many considerations that no precise rules can be given about it. One can only say in general that the more force the Government has, the more frequently the Sovereign ought to present itself.

It will be said to me that this may be well and good for a single town, but what is to be done when the State includes several? Will the Sovereign authority be divided, or will it be concentrated in a single town and all the others made subject?

I reply that neither should be done. First, the sovereign authority is single and unique, and cannot be divided without being destroyed. In the second place, a town, like a Nation, cannot legitimately be the subject of another, because the essence of the body politic lies in the harmony of obedience and freedom; and the words *subject* and *sovereign* are identical correlatives, whose meaning is combined in the single word citizen.

I reply further that it is always an evil to unite several towns in a single City, and that anyone wanting to make such a union should not imagine that its natural drawbacks can be avoided. The abuses of large States must not be raised as an objection to someone who wants only small ones. But how can small States be given enough force to resist large ones? In the same way that the Greek Towns resisted the great King long ago, and Holland and Switzerland more recently resisted the house of Austria.

However, if the State cannot be reduced to a proper size, there is still one remaining expedient. It is not to tolerate a capital, to locate the Gov-

ernment alternatively in each town, and to convene the Assemblies of the country in each of them by turn.[104]

Populate the territory evenly, extend the same rights everywhere, spread abundance and life everywhere. In this way the State will become, simultaneously the strongest and the best governed possible. Remember that the walls of towns are only made out of the debris of farmhouses. At the sight of each Palace that I see built in the capital, I imagine a whole countryside being reduced to hovels.

Chapter XIV: Continued

The instant the People is legitimately assembled as a Sovereign body, all jurisdiction of the Government ceases, the executive power is suspended, and the person of the humblest Citizen is as sacred and inviolable as that of the first Magistrate; because where the Represented person is, there is no longer any Representative. Most of the tumults that arose in Rome at the comitia came from ignoring or neglecting this rule. On those occasions the Consuls were merely Presiding officers of the People; the Tribunes, simple Speakers;* the Senate, nothing at all.

These intervals of suspension, during which the Prince recognizes or ought to recognize an actual superior, have always terrified it; and these assemblies of the people, which are the aegis of the body politic and the restraint on Government, have been viewed with horror by the leaders of all times. Thus they never spare efforts, nor objections, nor obstacles, nor promises to discourage the Citizens from holding them. When the latter are greedy, cowardly, pusillanimous, fonder of repose than of freedom, they don't hold out long against the redoubled efforts of the Government. So it is that with the force of resistance constantly increasing, the Sovereign authority finally vanishes, and most cities fall and perish prematurely.

But between Sovereign authority and arbitrary Government there is sometimes introduced an intermediate power that must be discussed.

Chapter XV: On Deputies or Representatives

As soon as public service ceases to be the main business of the Citizens, and they prefer to serve with their pocketbooks rather than with their persons, the State is already close to its ruin. Is it necessary to march to battle? They pay troops and stay home. Is it necessary to attend the Coun-

* In approximately the sense given to the word speaker in the English parliament. The similarity between these employments would have created conflict between the consuls and the tribunes even if all jurisdiction had been suspended.

cil? They name Deputies and stay home. By dint of laziness and money, they finally have soldiers to enslave the country and representatives to sell it.

It is involvement in commerce and the arts, avid interest in profits, softness and love of comforts that replace personal services by money. One gives up part of his profit in order to increase it at leisure. Give money and you will soon have chains. The word *finance* is a slave's word. It is unknown in the City. In a truly free State the citizens do everything with their hands and nothing with money. Far from paying to be exempted from their duties, they would pay to fulfill them personally. I am very far from commonly held ideas; I believe that corvées are less contrary to freedom than taxes.

The better constituted the State, the more public affairs dominate private ones in the minds of the Citizens. There is even less private business, because since the sum of common happiness furnishes a larger portion of each individual's happiness, the individual has less to seek through private efforts. In a well-run City, everyone rushes to assemblies. Under a bad Government, no one likes to take even a step to go to them, because no one takes an interest in what is done there, because it is predictable that the general will won't predominate, and finally because domestic concerns absorb everything. Good laws lead to the making of better ones; bad ones bring about worse ones. As soon as someone says *what do I care*? about the affairs of the State, the State should be considered lost.

Waning of love of fatherland, the activity of private interest, the immenseness of States, conquests, the abuse of the Government have led to the invention of using Deputies or Representatives of the people in the Nation's assemblies. It is what people in certain countries dare to call the Third Estate. Thus the private interest of two orders is ranked first and second; the public interest is merely third.

Sovereignty cannot be represented for the same reason it cannot be alienated. It consists essentially in the general will, and the will cannot be represented. Either it is itself or it is something else; there is no middle ground. The deputies of the people, therefore, are not nor can they be its representatives; they are merely its agents. They cannot conclude anything definitively. Any law that the People in person has not ratified is null; it is not a law. The English people thinks it is free. It greatly deceives itself; it is free only during the election of the members of Parliament. As soon as they are elected, it is a slave, it is nothing. Given the use made of these brief moments of freedom, the people certainly deserves to lose it.[105]

The idea of Representatives is modern. We get it from feudal Government, that wicked and absurd Government in which the human species

is degraded and the name of man is dishonored. In the ancient Republics and even in monarchies, the People never had representatives. The word itself was unknown. It is very noteworthy that in Rome, where the Tribunes were so sacred, it was never even imagined that they could usurp the functions of the people, and that in the midst of such a great multitude, they never tried to pass a single Plebiscite on their authority alone. Yet the difficulties sometimes caused by the multitude can be judged by what happened in the time of the Gracchi, when part of the Citizenry voted from the rooftops.

Where right and freedom are everything, inconveniences do not matter. Among this wise people, everything was correctly judged. It allowed its Lictors to do what its Tribunes would not have dared to do. It was not worried that its Lictors would want to represent it.

However, to explain how the Tribunes sometimes represented it, all that is needed is a conception of how the Government represents the Sovereign. Since the Law is only the declaration of the general will, it is clear that the People cannot be represented in the Legislative power. But it can and should be in the executive power, which is only force applied to the Law. This shows that very few Nations, on careful examination, would be found to have laws. However that may be, it is certain that the Tribunes, having no part of the executive power, could never represent the Roman People under the rights of their office, but only by usurping those of the Senate.

Among the Greeks, everything the People had to do, it did by itself. It was constantly assembled at the public square. It inhabited a mild climate; it wasn't greedy; slaves did its work; its most important business was its freedom. No longer having the same advantages, how can the same rights be preserved? Your more severe climates increase your needs;* during six months of the year, it is impossible to stay out in the public square; your indistinct languages cannot be heard outdoors; you are more concerned about your profit than your freedom; and you fear slavery far less than poverty.

What! Freedom can only be maintained with the support of servitude? Perhaps. The two extremes meet. Everything that is not in nature has its problems, and civil society more than all the rest. There are some unfortunate situations when one cannot preserve one's freedom except at the expense of others, and when the Citizen can only be perfectly free if the slave is completely enslaved. Such was Sparta's situation. As for you,

*In cold countries, to adopt the luxury and softness of the orientals is to want to be given their chains; it is to submit to these even more necessarily than they did.

modern peoples, you have no slaves, but you are slaves. You pay for their freedom with your own. You boast of that preference in vain; I find it more cowardly than humane.

I do not mean by all this that it is necessary to have slaves, nor that the right of slavery is legitimate, since I have proved the opposite. I only state the reasons why the modern peoples who believe they are free have Representatives, and why the ancient people did not have them. However this may be, the instant a People chooses Representatives, it is no longer free; it no longer exists.

All things considered, I do not see that it is henceforth possible for the Sovereign to preserve the exercise of its rights among us unless the City is very small. But if it is very small, will it be subjugated? No. I shall show later* how it is possible to combine the external power of a great People with the ease of regulation and good order of a small State.

Chapter XVI: That the Institution of the Government Is Not a Contract

Once the Legislative power has been well established, the problem is to establish the executive power in the same way.[107] For the latter, which only operates by means of particular acts, is essentially different from the former and hence is naturally separate from it. If it were possible for the Sovereign, considered as such, to have the executive power, right and fact would be so completely confounded that one would no longer know what is law and what isn't; and the body politic, thereby denatured, would soon fall prey to the violence against which it was instituted.

Since the Citizens are all equal by the social contract, what everyone ought to do can be prescribed by everyone, whereas no one has the right to require another to do what he himself does not do. Now it is precisely this right, indispensable for giving life and motion to the body politic, that the Sovereign gives to the Prince by instituting the Government.

Some have claimed that this act of establishment was a contract between the People and the leaders it chooses, a contract by which the two parties stipulated the conditions under which one assumed the obligation to command and the other to obey. It will be agreed, I am sure, that that is indeed a strange way to make a contract! But let us see whether this opinion is tenable.

First, the supreme authority cannot be modified any more than it can be alienated; to limit it is to destroy it. It is absurd and contradictory for

*This is what I had thought of doing in the sequel to this work, when in dealing with foreign relations, I would have discussed confederations. This subject is altogether new, and its principles have yet to be established.[106]

the Sovereign to choose a superior; to obligate oneself to obey a master is to return to one's full freedom.

Furthermore, it is evident that this contract between the people and specific persons would be a particular act. From which it follows that this contract could not be a law or an act of sovereignty, and that consequently it would be illegitimate.

It can also be seen that in relation to each other the contracting parties would be under the law of nature alone, and without any guarantee of their reciprocal engagements, which is contrary in all ways to the civil state. Since the one who has force available is always master of the outcome, it would be as sensible to give the name contract to the act of a man who would say to another, "I give you all my goods, on condition that you will give back whatever you please."

There is only one contract in the State, that of the association; and that one alone excludes all others. It is impossible to imagine any public Contract that was not a violation of the first one.

Chapter XVII: On the Institution of the Government

Under what idea, therefore, must the act by which the Government is instituted be conceived? I shall begin by noting that this act is complex, or composed of two others, namely the establishment of the law and the execution of the law.

By the first, the Sovereign enacts that there will be a Governmental body established under a specific form. And it is clear that this act is a law.

By the second, the People appoints the leaders who will be put in charge of the established Government. Now since this nomination is a particular act, it is not a second law, but solely a consequence of the first and a function of Government.

The difficulty lies in understanding how there can be an act of Government before the Government exists, and how the People, which is only Sovereign or subject, can become Prince or Magistrate in certain circumstances.

Here, again, is revealed one of those amazing properties of the body politic, by which it reconciles apparently contradictory operations. For in this case, the operation is accomplished by a sudden conversion of Sovereignty into Democracy, so that without any noticeable change, and solely by a new relation of all to all, the Citizens, having become Magistrates, pass from general to particular acts, and from the law to its execution.

This change of relation is no speculative subtlety without practical examples. It occurs daily in the English Parliament, where the lower house on certain occasions turns itself into a Committee of the whole to discuss

business better, and in so doing becomes a simple commission rather than the Sovereign Court of the preceding instant. It then reports to itself, as the House of Commons, on what it has just settled as a Committee of the whole, and it deliberates once again under one title over what it had already decided under another.

The peculiar advantage of Democratic Government is that it can be established in reality by a simple act of the general will. After this, the provisional Government remains in office, if such is the form adopted, or establishes in the name of the Sovereign the Government prescribed by law; and thus everything is according to rule. It is not possible to institute the Government in any other legitimate way without renouncing the principles established above.

Chapter XVIII: The Way to Prevent Usurpations by the Government

From these clarifications, it follows, in confirmation of chapter xvi, that the act that institutes the Government is not a contract but a Law; that the trustees of the executive power are not the masters of the people, but its officers; that the people can establish and depose them when it pleases; that there is no question of their contracting, but rather of obeying; and that in assuming the functions imposed on them by the State, they merely fulfill their duty as Citizens, without in any way having the right to argue over the conditions.

Therefore, when it happens that the People institutes a hereditary Government, whether it is a monarchy within one family or an aristocracy within one class of Citizens, this is not an engagement it undertakes. It is a provisional form it gives to the administration until it wishes to organize things differently.[108]

It is true that these changes are always dangerous, and that the established Government must never be touched until it becomes incompatible with the public good. But this circumspection is a maxim of politics and not a rule of right, and the State is no more compelled to leave civil authority to its leaders than military authority to its Generals.

It is also true that in such cases it is impossible to be too careful about observing all the requisite formalities, in order to distinguish a regular, legitimate act from a seditious tumult, and the will of an entire people from the clamors of one faction. It is above all in these dangerous cases[109] that demands must not be conceded except insofar as they cannot be denied by the full rigor of the law; and it is also from this obligation that the Prince derives a great advantage for preserving his power in spite of the people, without it being possible to say that he has usurped it. For while

apparently only using his rights, it is very easy for him to extend them, and under the pretext of public peace to prevent the holding of assemblies destined to reestablish good order. So that he takes advantage of a silence which he keeps from being broken, or of irregularities he himself has committed, to assume that the attitudes of those who are silenced by fear are in his favor, and to punish those who dare to talk. In this way, the Decemvirs, at first elected for one year and then continued for another, tried to retain their power in perpetuity, by no longer allowing the comitia to assemble. And it is by this simple means that all the governments of the world, once they are invested with the public force, sooner or later usurp the Sovereign authority.

The periodic assemblies I spoke of earlier are suited to prevent or postpone this misfortune, above all when they do not need formal convocation. For then the Prince could not prevent them without openly declaring himself a violator of the laws and an enemy of the State.

These assemblies, whose only object is the maintenance of the social treaty, should always be opened by two propositions that can never be omitted and that are voted on separately:

The first: *Does it please the Sovereign to preserve the present form of Government.*

The second: *Does it please the People to leave the administration in the hands of those who are currently responsible for it.*

Here, I assume what I believe I have demonstrated, namely, that in the State there is no fundamental law that cannot be revoked, not even the social compact. For if all the Citizens were to assemble in order to break this compact by common agreement, there is no doubt that it would be very legitimately broken. Grotius even thinks that each person can renounce the State of which he is a member and recover his natural freedom and his goods by leaving the country.* Now it would be absurd for all the Citizens together to be unable to do what each of them can do separately.

END OF THE THIRD BOOK

*On the understanding that the reason for leaving is not to evade one's duty and avoid serving the fatherland at the moment it needs us. In such a case, fleeing would be criminal and punishable; it would no longer be withdrawal, but desertion.[110]

BOOK IV

Chapter I: That the General Will Is Indestructible

As long as several men together consider themselves to be a single body, they have only a single will, which relates to their common preservation and the general welfare. Then all the mechanisms of the State are vigorous and simple, its maxims are clear and luminous, it has no tangled, contradictory interests; the common good is clearly apparent everywhere, and requires only good sense to be perceived. Peace, union, and equality are enemies of political subtleties. Upright and simple men are hard to fool because of their simplicity; traps and refined pretexts do not deceive them. They are not even clever enough to be duped. When, among the happiest people in the world, groups of peasants are seen deciding the affairs of State under an oak tree, and always acting wisely, can one help scorning the refinements of other nations, which make themselves illustrious and miserable with so much art and mystery? [111]

A State governed in this way needs very few Laws, and to the degree that it becomes necessary to promulgate new ones, this necessity is universally seen. The first to propose them merely states what everyone has already felt, and there is no question of intrigues nor of eloquence to pass into law what each has already resolved to do as soon as he is sure that others will do likewise.

What misleads reasoners, who only see States that have been badly constituted from the beginning, is that they are struck by the impossibility of maintaining similar order in such States. They laugh when they imagine all the nonsense of which a clever swindler or an insinuating talker could persuade the people of Paris or London. They don't know that Cromwell would have been condemned to hard labor by the people of Berne, and the Duc de Beaufort sentenced to the reformatory by the Genevans.

But when the social tie begins to slacken and the State to grow weak; when private interests start to make themselves felt and small societies to influence the large one, the common interest changes and is faced with opponents; unanimity no longer prevails in the votes; the general will is no longer the will of all; contradictions and debates arise and the best advice is not accepted without disputes.

Finally, when the State, close to its ruin, continues to subsist only in an illusory and ineffectual form; when the social bond is broken in all hearts; when the basest interest brazenly adopts the sacred name of the public good, then the general will becomes mute; all—guided by secret motives—are no more Citizens in offering their opinions than if the State

had never existed, and iniquitous decrees whose only goal is the private interest are falsely passed under the name of Laws.

Does it follow from this that the general will is annihilated or corrupted? No, it is always constant, unalterable, and pure. But it is subordinate to others that prevail over it. Each person, detaching his interest from the common interest, sees perfectly well that he cannot completely separate himself from it; but his share of the public misfortune seems like nothing to him compared to the exclusive good that he claims he is getting. With the exception of this private good, he wants the general good in his own interest just as vigorously as anyone else. Even in selling his vote for money, he doesn't extinguish the general will within himself, he evades it. The mistake he makes is to change the state of the question and to answer something other than what he is asked. So that rather than saying through his vote *it is advantageous to the State*, he says *it is advantageous to a given man or to a given party for a given motion to pass*. Thus the law of public order in assemblies is not so much to maintain the general will therein as it is to be sure that it is always questioned and that it always answers.

I could make many reflections here about the simple right to vote in every act of sovereignty—a right that nothing can take away from the Citizens; and on the right to give an opinion, to make propositions, to analyze, to discuss, which the Government is always very careful to allow only to its members.[112] But this important subject would require a separate treatise, and I cannot say everything in this one.

Chapter II: On Voting

It can be seen from the preceding chapter that the way in which general matters are handled can provide a rather precise indication of the current state of the morals and health of the body politic. The more harmony there is in the assemblies, that is, the closer opinions come to obtaining unanimous support, the more dominant as well is the general will. But long debates, dissensions, and tumult indicate the ascendance of private interests and the decline of the State.

This appears less evident when two or more orders are part of the constitution, like the Patricians and Plebeians in Rome, whose quarrels often disturbed the comitia even in the finest period of the Republic. But this exception is more apparent than real; for then, by the vice inherent in the body politic, there are so to speak two States in one. What is not true of the two together is true of each of them separately. And in fact even in the stormiest times, the plebiscites of the people, when the Senate did not

interfere with them, always passed calmly and by a large majority of votes. Since the Citizens had only one interest, the people had only one will.

At the other extreme, unanimity returns. That is when the citizens, fallen into servitude, no longer have either freedom or will. Then fear and flattery turn voting into acclamations. Men no longer deliberate; they adore or they curse. Such was the abject manner in which the Senate expressed its opinions under the Emperors. Sometimes this was done with ridiculous precautions. Tacitus notes that under Otho, the Senators, while violently denouncing Vitellius, took pains to make a terrific noise at the same time, so that if by chance he became the master, he would be unable to know what each of them had said.[113]

From these various considerations arise the maxims that should regulate how votes are counted and opinions compared, depending on whether the general will is more or less easy to know and the State more or less declining.

There is only one law that, by its nature, requires unanimous consent. That is the social compact. For civil association is the most voluntary act in the world. Since every man is born free and master of himself[114] no one, under any pretext whatever, can subject him without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If, therefore, at the time of the social compact, some are opposed to it, their opposition does not invalidate the contract; it merely prevents them from being included within it. They are foreigners among the Citizens. Once the State is instituted, consent is implied by residence. To inhabit the territory means to submit oneself to sovereignty.*

Except for this primitive contract, the vote of the majority always obligates all the others. This is a consequence of the contract itself. But it is asked how a man can be free and forced to conform to wills that are not his own. How can the opponents be free yet subject to laws to which they have not consented?

I reply that the question is badly put. The Citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate one of them. The constant will of all the members of the State is the general will, which makes them citizens and free.** When a law is proposed in the assembly of the People, what they

*This should always be understood to refer to a free State, because elsewhere an inhabitant can be kept in the country against his will by family, goods, the lack of a place of refuge, necessity, or violence; and then his sojourn alone no longer presupposes his consent to the contract or to the violation of the contract.

**In Genoa, the word *Libertas* can be read on the front of prisons and on convicts' chains in galleys. This application of the motto is noble and just. Indeed, it is only evildoers

are being asked is not precisely whether they approve or reject the proposal, but whether it does or does not conform to the general will that is theirs. Each one expresses his opinion on this by voting, and the declaration of the general will is drawn from the counting of the votes. Therefore when the opinion contrary to mine prevails, that proves nothing except that I was mistaken, and what I thought to be the general will was not. If my private opinion had prevailed, I would have done something other than what I wanted. It is then that I would not have been free.[115]

This presupposes, it is true, that all the characteristics of the general will are still in the majority. When they cease to be, there is no longer any freedom regardless of the side one takes.

In showing earlier how private wills were substituted for the general will in public deliberations, I have sufficiently indicated the feasible means of preventing this abuse. I shall discuss this again later.[116] With regard to the proportion of votes needed to declare this will, I have also given the principles on which it can be determined. The difference of a single vote breaks a tie; a single opponent destroys unanimity. But between unanimity and a tie there are several qualified majorities, at any of which the proportion can be established, according to the condition and needs of the body politic.

Two general maxims can serve to regulate these ratios. One, that the more important and serious the deliberations, the closer the winning opinion should be to unanimity. The other, that the more speed the business at hand requires, the smaller the prescribed difference in the division of opinions should be. In deliberations that must be finished on the spot, a majority of a single vote should suffice. The first of these maxims appears more suited to laws; the second, to business matters. However that may be, it is a combination of the two that establishes the proper ratio of the deciding majority.

Chapter III: On Elections

With regard to the elections of the Prince and the Magistrates, which are, as I have said, complex acts, there are two ways to proceed, namely by choice and by drawing lots. Both of these have been used in various Republics, and a very complicated mixture of the two is still seen in our times in the election of the Doge of Venice.

Voting by lot, says Montesquieu, *is in the nature of Democracy*. I agree, but why is this so? *The lot*, he continues, *is a way of electing that offends no*

---

of all classes who prevent the Citizen from being free. In a country where all such men were in Galleys, the most perfect freedom would be enjoyed.

one; it provides each Citizen with a reasonable hope of serving the fatherland.[117] Those are not reasons.

If it is carefully noted that the election of leaders is a function of Government, and not of Sovereignty, it will be seen why the drawing of lots is more in the nature of Democracy, in which the administration is better to the extent that its acts are fewer in number.

In every genuine Democracy, the magistracy is not an advantage but a burdensome responsibility, which cannot fairly be placed on one private individual rather than another. The law alone can impose this responsibility on the one to whom it falls by lot. For then, as the condition is equal for all, and the choice is not dependent on any human will, there is no particular application that alters the universality of the law.

In an Aristocracy, the Prince chooses the Prince; the Government preserves itself, and it is there that voting is appropriate.

The example of the election of the Doge of Venice confirms, rather than destroys, this distinction. This combined form is suited to a mixed Government. For it is an error to mistake the Government of Venice for a true Aristocracy. Although the People there has no part in the Government, the nobility itself is like the people. A multitude of poor Barnabites[118] never came close to any magistracy, and all they get out of their nobility is the empty title Excellence and the right to attend the grand Council. Since this grand Council is as numerous as our general Council in Geneva, its illustrious members have no more privileges than our simple Citizens. It is certain, discounting the extreme disparity of the two Republics, that the Genevan bourgeoisie is exactly equivalent to the Venetian Patriciate; our natives and inhabitants are equivalent to the Bourgeois and people of Venice; our peasants are equivalent to the subjects on the mainland. Finally, apart from its size, however that Republic is considered, its Government is no more aristocratic than ours. The entire difference is that since we have no leader for life, we do not have the same need to draw lots.

Elections by lot would not have many drawbacks in a genuine Democracy, in which the choice would become almost indifferent, since everything is equal in morals and talents as well as in maxims and fortunes. But I have already said that there is no genuine Democracy.

When choice and lot are combined, the former should fill the positions that require special talents, such as military employments. The latter is suited to those for which good sense, justice, and integrity suffice, such as judicial responsibilities; because in a well-constituted state, these qualities are common to all the Citizens.

Neither lot nor voting has any place in a monarchical Government.

Since the Monarch is by right the sole Prince and unique Magistrate, the choice of his lieutenants is his alone. When the Abbé de St. Pierre suggested multiplying the Councils of the King of France and electing the members by Ballot, he did not realize that he was proposing to change the form of the Government.[119]

It remains for me to discuss the manner in which the votes are cast and collected in the assembly of the people. But perhaps the history of the Roman regulations in this regard will explain more tangibly all the maxims I could establish. It is not beneath the dignity of a judicious reader to consider in some detail how public and private affairs were handled in a Council of two hundred thousand men.[120]

Chapter IV: On the Roman Comitia

We have no very reliable remains of the earliest period of Rome. It is even highly probably that most of what is related about it are fables.* And in general the most instructive part of the annals of peoples, which is the history of their establishment, is the part that we know least about. Experience teaches us daily the causes that give rise to the revolutions of empires. But since no more peoples are being formed, we have scarcely anything but conjectures to explain how they were formed.

The practices that are found established are at least evidence that these practices had an origin. Traditions that go back to these origins, those supported by the greatest authorities and confirmed by the strongest reasons, should be accepted as the most certain. These are the maxims I have tried to follow in seeking how the freest and most powerful people on earth exercised its supreme power.

After the foundation of Rome, the emerging Republic—that is, the army of the founder, composed of Albans, Sabines, and foreigners—was divided into three classes, which on the basis of this division took the name *Tribes*. Each of these Tribes was subdivided into ten Curiae, and each Curia into Decuries, at the head of which were placed leaders called *Curions* and *Decurions*.

In addition to that, a body of one hundred Horsemen or Knights, called a Century, were drawn from each Tribe. It can be seen from this that these divisions, hardly necessary in a market-town, were merely military at first. But it seems that an instinct for greatness caused the little town of Rome to furnish itself in advance with regulations suited to the capital of the world.

*The name *Rome*, which supposedly comes from Romulus, is Greek, and means *force*. The name *Numa* is Greek too, and means *Law*. How likely is it that the first two Kings of that city had in advance names so highly relevant to what they did?[121]

This initial division soon gave rise to a drawback. The Tribes of the Albans* and of the Sabines** always remained constant, while that of the foreigners*** grew continually due to the perpetual influx of new members, so that it soon grew larger than the other two. The remedy Servius found for this danger was to change the division, and to substitute for the one based on races, which he abolished, another drawn from the location in the city occupied by each Tribe. Instead of three Tribes, he made four. Each of them occupied one of the hills of Rome and bore its name. Thus, while remedying the existing inequality, he prevented its recurrence in the future. And so that this division was not merely one of location but also of men, he forbade the inhabitants of one quarter to move into another, which prevented the races from mixing together.

He also doubled the three ancient centuries of Horsemen, and added twelve others to them, but still under the old names, a simple and judicious way by which he succeeded in distinguishing the body of Knights from that of the People without creating discontent among the latter.

To the four urban Tribes, Servius added fifteen others called rustic Tribes, because they were composed of rural inhabitants who were divided into the same number of cantons. Later, the same number of new ones were created, and the Roman People was finally divided into thirty-five Tribes, the number at which they remained until the end of the Republic.

This distinction between Town Tribes and rural Tribes produced an effect worthy of note, because there is no other example of it and because Rome owed to it both the preservation of its morals and the growth of its empire. It might be thought that the urban Tribes soon arrogated the power and honors to themselves and did not delay in degrading the rustic Tribes. The very opposite happened. The early Romans' taste for country life is well-known. They derived it from the wise founder who combined rustic and military labors with freedom, and so to speak relegated to the town arts, crafts, intrigue, fortune, and slavery.

Thus, since all who were most illustrious in Rome lived in the country and tilled the soil, it became customary to seek the mainstays of the Republic only there. Since this condition was that of the worthiest Patricians, it was honored by everyone. The simple and hardworking life of village People was preferred to the idle and lax life of the Bourgeois in Rome. And someone who would have been nothing but a wretched pro-

**Ramnenses*
***Tatienses*
****Luceres*

letarian in the town, became a respected Citizen as a farmer in the fields. It was not without reason, said Varro, that our magnanimous ancestors established Villages as the nursery of those robust and valiant men who defended them in time of war and nourished them in time of peace. Pliny says positively that the rural Tribes were honored because of the men who composed them, whereas cowards who were to be degraded were transferred in dishonor to Tribes of the Town.[122] When the Sabine Appius Claudius came to settle in Rome, he was showered with honors there and inscribed in a rustic Tribe which afterward assumed the name of his family. Finally, freedmen all entered urban Tribes, never rural ones. And during the entire Republic, there is not a single example of those freedmen achieving any magistracy, even though they had become Citizens.

This maxim was excellent, but it was pushed so far that it finally resulted in a change and certainly an abuse in the regulations.

First, the Censors, after having long arrogated to themselves the right to transfer citizens arbitrarily from one Tribe to another, allowed most of them to be inscribed in whichever one they pleased. This permission surely served no good purpose, and removed one of the crucial mechanisms of censorship. Furthermore, since the Upper Classes and those with power all had themselves inscribed in rural Tribes, and since freedmen who had become Citizens remained with the populace in town Tribes, the Tribes in general no longer had either location or territory. Instead, they became so intermingled that it was no longer possible to discern the members of each except by the registers; so that the idea of the word *Tribe* shifted from property to persons, or rather became almost a chimera.

It happened, further, that the town Tribes, being closer at hand, were often the strongest in the comitia, and sold the State to those who stooped to buying the votes of the rabble who composed them.

With regard to the Curiae, since the founder had created ten of these in each Tribe, the entire Roman people at that point enclosed within the town walls was composed of thirty Curiae, each of which had its temples, its Gods, its officers, its priests, and its festivals called *compitalia*, similar to the *Paganalia* which the rustic tribes had subsequently.

When Servius created the new division, this number thirty could not be divided up equally among the four Tribes; he did not want to alter it, so the Curiae, independent of the Tribes, became a separate division of the inhabitants of Rome. But there was no question of Curiae either within the rustic Tribes or among the people composing them, because the Tribes had become a purely civil establishment and another regulation had been introduced for the raising of troops, so that the military

divisions of Romulus were found to be superfluous. Thus although every Citizen was inscribed in a Tribe, nowhere near everyone was inscribed in a Curia.

Servius created yet a third division which had no relationship to the two preceding ones, and which, through its effects, became the most important of all. He divided the entire Roman people into six classes, which he distinguished neither by location nor by personal attributes, but by wealth. So that the first classes were filled by the rich, the last by the poor, and the middle ones by those who enjoyed a moderate fortune. These six classes were subdivided into 193 other bodies called centuries, and these bodies were so distributed that the first Class alone comprised more than half of them, and the last only one. Thus it was that the Class that was least numerous in men was most numerous in centuries, and the entire last class counted only as one subdivision even though alone it contained more than half the inhabitants of Rome.

In order that the people would have less understanding of the consequences of this last division, Servius pretended to give it a military appearance. He inserted two centuries of armorers into the second class and two centuries of instruments of war into the fourth. In each Class, except the last, he distinguished the young from the old, that is those who were obligated to carry arms from those whose age exempted them by law—a distinction which, even more than that of wealth, produced the necessity of frequently redoing the census or enumeration. Finally, Servius wanted the assembly to be held at the Campus Martius and all those of military age to come there with their arms.

The reason he did not follow this same division of young and old in the last class is that the populace of which it was composed was not accorded the honor of bearing arms for the fatherland. It was necessary to have homes in order to obtain the right to defend them; and of those countless troops of beggars who today adorn the armies of Kings, there would not have been one, perhaps, who would not have been disdainfully run out of a Roman cohort when soldiers were the defenders of freedom.

However there was still one distinction made in the last class, between the *proletarians* and those called *capite censi*. The former, not completely destitute, at least gave the State Citizens, and sometimes even soldiers when needs were pressing. As for those who had nothing whatever, and who could be counted only by their heads, they were regarded as completely worthless, and Marius was the first who deigned to enroll them.

Without deciding here if this third type of enumeration was good or bad in itself, I think I can assert that it was only made practicable by the simple morals of the early Romans, their disinterestedness, their taste

for agriculture, their disdain for commerce and for the desire for profit. Where is the modern people whose devouring greed, uneasiness of mind, intrigue, continual moving about, and perpetual revolutions in fortunes would allow such an establishment to last for twenty years without overturning the whole State? It must also be carefully noted that morals and censorship, which were stronger than this institution, corrected its vices in Rome, and that a given rich man could find himself relegated to the class of the poor if he made too great a display of his wealth.

From all this, it is easy to understand why mention is almost never made of more than five classes, even though there were really six. The sixth, since it furnished neither soldiers for the army nor voters at the Campus Martius,* and was of almost no use in the Republic, was rarely counted for anything.

Such were the different divisions of the Roman people. Now let us see what effect these divisions produced on the assemblies. These assemblies, when legitimately convoked, were called *Comitia*. They were usually held in the Roman forum or at the Campus Martius, and were either comitia by Curiae, Comitia by Centuries, or Comitia by Tribes, according to which of these three divisions was the basis of organization. The comitia by Curiae were derived from the institution of Romulus, those by Centuries from that of Servius, and those by Tribes from that of the Tribunes of the people. No law received sanction, no magistrate was elected except in the Comitia. And since there was no Citizen who was not inscribed in a Curia, in a Century, or in a Tribe, it follows that no Citizen was excluded from the right to vote, and that the Roman People was truly sovereign by right and in fact.

Three conditions had to be met in order for the Comitia to be legitimately assembled and for what they did to have the force of law. First, the body or Magistrate who convoked them had to be invested with the necessary authority to do so. Second, the assembly had to be held on one of the days sanctioned by law. Third, the auguries had to be favorable.

The reason for the first rule needs no explanation. The second is an administrative matter. Thus it was not allowed to hold Comitia on holidays and market days, when the people from the countryside, coming to Rome for business, did not have time to spend the day in the forum. By means of the third rule, the Senate held in check a proud and restless people, and appropriately tempered the ardor of seditious Tribunes, who nonetheless found more than one way to circumvent this constraint.

* I say *Campus Martius* because it was there that the Comitia were assembled by centuries. In the other two forms, the people assembled at the *forum* or elsewhere, and then the *Capite censi* had as much influence and authority as the first Citizens.

The Laws and the election of leaders were not the only issues submitted to the judgment of the Comitia. Since the Roman people had usurped the most important functions of Government, it can be said that the fate of Europe was decided in its assemblies. This variety of objects gave rise to the different forms these assemblies assumed according to the matters to be decided.

To judge these different forms, it suffices to compare them. In instituting the Curiae, Romulus's purpose was to restrain the Senate by the People and the People by the Senate, while he dominated both equally. He therefore gave the people, through that form, all the authority of number to balance that of power and wealth which he left to the Patricians. But in keeping with the spirit of Monarchy, he nevertheless left a greater advantage with the Patricians through the influence of their Clients on the majority of the votes. This admirable institution of Patrons and Clients was a masterpiece of politics and humanity, without which the Patriciate, so contrary to the spirit of the Republic, could not have survived. Rome alone had the honor of giving the world this fine example, which never led to any abuse, yet which has never been followed.

Since this same form of Curiae survived under the Kings until Servius, and since the reign of the last Tarquin was not considered legitimate, the royal laws were generally distinguished by the name *leges curiatae*.

Under the Republic, the Curiae, which were always limited to the four urban Tribes and no longer included anyone but the populace of Rome, were no longer suited either to the Senate, which was at the head of the Patricians, or to the Tribunes, who, although plebeians, were at the head of the well-to-do Citizens. Therefore the curiae became discredited, and they were so degraded that an assembly of their thirty Lictors did what the comitia by Curiae ought to have done.

The division into Centuries was so favorable to Aristocracy that it is not at first apparent why the Senate did not always prevail in the Comitia of that name and by which the Consuls, Censors, and other curule Magistrates were elected. Indeed, of the one hundred ninety-three centuries that constituted the six Classes of the entire Roman People, since the first Class included ninety-eight, and since the votes were only counted by centuries, this first class alone prevailed over all the others by the number of its votes. When all of its Centuries were in agreement, they did not even continue to collect the votes. What the smallest number decided was taken as a decision of the multitude; and it can be said that in the Comitia by Centuries matters were more often settled by a majority of money than by one of votes.[123]

But this extreme authority was tempered in two ways. First, since

usually the Tribunes—and always a large number of Plebeians—were in the class of the rich, they balanced the credit of the Patricians in this first class.

The second way was as follows. Rather than to have the Centuries start to vote according to their order, which would have meant that the first always began, one Century was drawn by lot, and that one* alone proceeded with the election. After this, all the Centuries were called on another day according to their rank, repeated the same election, and usually confirmed it. Thus the authority of example was taken away from rank and given to lot, in accordance with the principle of Democracy.

This practice produced still another advantage, which was that the Citizens from the country had time between the two elections to inform themselves of the merit of the provisionally named Candidate, so that they could vote knowledgeably. But on the pretext of speed, this practice was finally abolished and the two elections were held on the same day.

The Comitia by Tribes were really the Council of the Roman people. They were convoked only by the Tribunes. The Tribunes were elected and had their plebiscites passed in them. Not only did the Senate have no rank in them, but it did not even have the right to attend them; and since the Senators were forced to obey laws on which they could not vote, they were less free in this regard than the last Citizens. This injustice was a complete mistake, and alone was enough to invalidate the decrees of a body to which all its members were not admitted. If all the Patricians had attended these Comitia in accordance with their right as Citizens, since they would then have become simple private individuals, they could hardly have influenced a form of voting based on counting heads, and in which the humblest proletarian carried as much weight as the Prince of the Senate.

Thus it can be seen that apart from the order that resulted from these various divisions on the way the votes of such a large People were collected, these divisions cannot be dismissed as in themselves indifferent, because each one had effects related to the attitudes that favored it.

Without going into greater detail about this, the foregoing clarifications indicate that the Comitia by Tribes were the most favorable to popular Government, and the Comitia by Centuries to Aristocracy. With regard to the Comitia by Curiae, where the populace of Rome alone formed the majority, since these were only good for favoring tyranny and evil schemes, they inevitably fell into disrepute, and the seditious themselves abstained from a means that overly exposed their projects. It

*The century drawn by lot in this way was called *prae rogativa*, because it was the first to be asked for its vote; and that is the origin of the word *prerogative*.

is certain that all the majesty of the Roman People was found only in the Comitia by Centuries, which alone were complete, since the Comitia by Curiae lacked the rustic Tribes and the Comitia by Tribes lacked the Senate and the Patricians.

As for the manner of collecting the votes, among the early Romans it was as simple as their morals, although less simple than in Sparta. Each person voted aloud; a Registrar wrote down the votes as they were given. A majority of votes within each Tribe determined the vote of the Tribe; a majority of votes among the Tribes determined the vote of the people; and the same was true for the Curiae and Centuries. This practice was good as long as honesty prevailed among the Citizens and each was ashamed to vote publicly for an unjust opinion or an unworthy subject. But when the people became corrupt and votes were bought, it was agreed that voting should be done in secret in order to restrain buyers by distrust and provide scoundrels with the means not to be traitors.

I know that Cicero blames this change and attributes to it in part the ruin of the Republic.[124] But although I am aware of the weight Cicero's authority should carry on this point, I cannot share his opinion. I think, on the contrary, that the downfall of the State was hastened because more changes of this sort were not made. Just as the regimen of healthy people is not suited to the sick, one must not want to govern a corrupt people by the same Laws that are suited to a good people. Nothing proves this maxim better than the duration of the Republic of Venice, the semblance of which still exists uniquely because its laws are only suited to wicked men.

Thus ballots were distributed to the Citizens on which each one could vote without others knowing his opinion. New formalities were also established for collecting the ballots, counting the votes, comparing the numbers, etc.; all of which did not prevent the fidelity of the Officers in charge of these functions* from often being suspected. Finally, in order to prevent intrigue and the buying of votes, Edicts were passed, whose number demonstrates their uselessness.

Toward the end, it was often necessary to have recourse to extraordinary expedients to bolster up the inadequacy of the laws. Sometimes miracles were invented; but this means, which could fool the people, could not fool those who governed it. Sometimes an assembly was convoked suddenly, before the Candidates had time to arrange their intrigues. Sometimes an entire session was consumed by talk, when it was seen that the people was won over and ready to make a bad choice. But

**Custodes, Diribitores, Rogatores suffragiorum.*

finally ambition eluded everything. And what is unbelievable is that in the midst of so many abuses, by virtue of its ancient regulations this immense people did not cease to elect its Magistrates, pass laws, try cases, and expedite private or public affairs almost as smoothly as the Senate itself might have done.

Chapter V: On the Tribunate

When an exact proportion cannot be established between the constituent parts of the State, or when indestructible causes constantly alter the relationships between them, a special magistracy is then instituted which does not form a body with the others; which places each term back in its true relationship; and which creates a link or middle term either between the Prince and the People or between the Prince and the Sovereign, or on both sides at once if necessary.

This body, which I shall call the *Tribunate*, is the preserver of the laws and of the legislative power. Sometimes it serves to protect the Sovereign against the Government, as the Tribunes of the people did in Rome; sometimes to sustain the Government against the People, as the Council of Ten now does in Venice; and sometimes to maintain a balance on both sides, as the Ephors did in Sparta.[125]

The Tribunate is not a constituent part of the City, and should not have any portion of the legislative or executive power. But it is for this very reason that its own power is greater, for although it can do nothing, it can prevent everything. It is more sacred and revered as a defender of the Laws than the Prince who executes them and the Sovereign who makes them. This was seen very clearly in Rome when the proud Patricians, who always scorned the entire people, were forced to yield before a simple officer of the people, who had neither auspices nor jurisdiction.

A wisely tempered Tribunate is the firmest support of a good constitution. But if it has even a little too much force, it upsets everything. Weakness is not in its nature, and provided that the tribunate counts for something, it will never be less than is necessary.

It degenerates into tyranny when it usurps the executive power, of which it is only the moderator, and when it wants to dispense laws, which it should only protect. The vast power of the Ephors, which was without danger as long as Sparta preserved its morals, accelerated corruption once it began. The blood of Agis, murdered by these tyrants, was revenged by his successor. The crime and punishment of the Ephors equally hastened the downfall of the Republic; and after Cleomenes, Sparta was no longer anything. Rome also perished in the same way, and the excessive power that the Tribunes gradually usurped was finally used, with the help of laws

made to protect freedom, as a safeguard for the Emperors who destroyed it. As for the Council of Ten in Venice, it is a bloody Tribunal, equally horrible for the Patricians and the People, and which, far from proudly protecting the laws, now only serves after their debasement for striking shady blows that no one dares notice.

The Tribunate, like the Government, is weakened by the multiplication of its members. When the Tribunes of the Roman people, at first two in number, then five, wanted to double this number, the Senate allowed them to do so, certain that some would restrain others, which is just what happened.

The best way to prevent usurpations by such a formidable body—one that no Government has thought of up to now—would be not to make this body permanent, but to regulate intervals during which it would be suppressed. These intervals, which should not be long enough to give abuses the time to become established, can be fixed by law in such a way that it is easy to cut them short, in case of need, by special commissions.

This method appears to me to present no difficulties because, since the Tribunate—as I have said—is not part of the constitution, it can be removed without doing the constitution any harm. And it appears effective to me because a newly established magistrate does not start from the power his predecessor had, but from that given to him by the law.

Chapter VI: On Dictatorship

The inflexibility of laws, which prevents them from adapting to events, can in certain cases make them pernicious, and they can cause the downfall of the State during a crisis.[126] The order and slowness of formalities require a space of time which circumstances sometimes do not permit. A thousand situations for which the Legislator has made no provision can arise, and it is a very necessary foresight to realize that one cannot foresee everything.

It is necessary, therefore, not to want to strengthen political institutions to the point of removing the power to suspend their effect. Even Sparta let its laws lie dormant.

But only the greatest dangers can outweigh the danger of altering the public order, and one should never suspend the sacred power of the laws except when it is a matter of the safety of the fatherland. In these rare and manifest cases, a special act provides for public security, placing responsibility for it in the worthiest hands. This commission can be given in two ways, according to the type of danger.

If, as a remedy, it suffices to increase the activity of the government, it is concentrated in one or two of its members. Thus it is not the au-

thority of the laws that is altered, but merely the form by which they are administered. If the peril is such that to guard against it, the apparatus of the laws is an obstacle, then a supreme leader is named who silences all the laws and momentarily suspends Sovereign authority. In such a case, the general will is not in doubt, and it is evident that the first intention of the people is that the State should not perish. In this manner, the suspension of legislative authority does not abolish it. The magistrate who silences it cannot make it speak; he dominates it without being able to represent it. He can do anything, except make laws.

The first means was used by the Roman Senate when it entrusted the Consuls, by a consecrated formula, with providing for the safety of the Republic. The second occurred when one of the two Consuls named a Dictator,* a practice for which Alba set the precedent in Rome.

At the beginnings of the Republic, recourse to Dictatorship was taken often, because the State did not yet have a stable enough basis to be able to sustain itself by the force of its constitution. Since the morals of that period made many precautions superfluous that would have been necessary in other times, there was no fear either that a Dictator would abuse his authority or that he would try to keep it beyond his term. It seemed, on the contrary, that such a great power was a burden to the one in whom it was vested, so quickly did he hasten to be rid of it, as though an office that took the place of the laws would have been too painful and too dangerous.

Thus it is not the danger of abuse but rather that of debasement which leads me to blame the indiscriminate use of this supreme magistracy in early times. For while it was being squandered on Elections, Dedications, and pure formalities, it was to be feared that it would become less formidable in time of need, and that people would grow accustomed to consider empty a title that was used only in empty ceremonies.

Toward the end of the Republic, the Romans, having become more circumspect, used the Dictatorship sparingly with as little reason as they had formerly squandered it. It was easy to see that their fear was ill-founded, that the weakness of the capital then guaranteed it against the Magistrates in its midst; that a Dictator could in certain situations defend public freedom without ever being able to threaten it; and that Rome's chains would not be forged in Rome itself, but in its armies. The feeble resistance of Marius against Sulla and of Pompey against Caesar showed clearly what could be expected of internal authority against external force.

This error caused them to make great mistakes. For example, not

* This nomination was made at night and in secret, as though it were shameful to place a man above the laws.

having named a Dictator in the Catiline affair; for since it was only a question of the interior of the town and at most of some province in Italy, with the unlimited authority that the laws gave the Dictator he would easily have dissipated the conspiracy, which was suppressed only by a combination of chance factors which human prudence could never have anticipated.

Instead of that, the Senate was content to place all its power in the Consuls. Because of this, Cicero, in order to act effectively, was constrained to exceed this power in a crucial respect; and although the first explosions of joy gave approval to his conduct, later on he was justly called to account for the blood of Citizens spilled against the laws, a reproach that could not have been made to a Dictator. But the Consul's eloquence carried the day. And since even he, although a Roman, preferred his glory to his fatherland, he did not seek the most legitimate and surest way to save the State so much as the way that would bring him the greatest honor from this affair.* Thus he was justly honored as the liberator of Rome and justly punished as a violator of the laws. However brilliant his recall, it is certain that it was a pardon.

In any event, no matter how this important commission is conferred, it is important for its duration to be fixed at a very short term which can never be prolonged. In the crises that call for its establishment, the State is soon destroyed or saved, and once the urgent need has passed, the Dictatorship becomes tyrannical or useless. In Rome, where the Dictators were named for only six months, most of them abdicated before this term. If the term had been longer, perhaps they would have been tempted to prolong it further, as did the Decemvirs with a term of one year. The Dictator had only the time to attend to the need that led to his election; he did not have enough to think up other projects.

Chapter VII: On Censorship

Just as the general will is declared by the law, public judgment is declared by censorship.[127] Public opinion is the kind of law of which the Censor is the Minister, and which he only applies to particular situations, following the example of the Prince.

Therefore the censorial tribunal, far from being the arbiter of the people's opinion, merely declares it, and as soon as this body departs from that opinion, its decisions are useless and ineffective.

There is no use in distinguishing between the morals of a nation and the objects of its esteem,[128] for all of these things stem from the same

* He could not be certain of this in proposing a Dictator, since he did not dare name himself, and he could not be sure that his colleague would name him.

principle and are necessarily intermingled. Among all the peoples of the world, it is not nature, but opinion that determines the choice of their pleasures. Reform men's opinions and their morals will purify themselves. One always likes what is beautiful or what one finds to be so, but it is this judgment that may be mistaken. Therefore, the problem is to regulate this judgment. Whoever judges morals judges honor, and whoever judges honor derives his law from opinion.

A people's opinions arise from its constitution. Although the law does not regulate morals, it is legislation that gives rise to them. When legislation weakens, morals degenerate, but then the judgment of Censors will not be able to do what the force of law has not done.

It follows from this that Censorship can be useful for preserving morals, but never for reestablishing them. Establish Censors when the Laws are in full vigor. As soon as the laws have lost it, the situation is desperate; nothing legitimate has force any longer when the laws no longer have any.

Censorship maintains morals by preventing opinions from becoming corrupt; by preserving their rectitude through wise application; sometimes even by determining them when they are still uncertain. The use of seconds in duels, which became a passion in the kingdom of France, was abolished there by the following few words in an Edict of the King: *as for those who are so cowardly as to call upon Seconds*. This judgment, anticipating that of the public, determined it at once. But when the same Edicts tried to proclaim that it was also an act of cowardice to fight duels—which is quite true, but contrary to common opinion—the public scorned this decision, upon which its judgment was already formed.

I have said elsewhere* that since public opinion is not subject to constraint, there must be no vestige of constraint in the tribunal established to represent it. The art with which this mechanism, altogether lost among modern peoples, was set to work among the Romans and better still among the Lacedemonians cannot be sufficiently admired.

When a man of bad morals offered a good opinion in the council of Sparta, the Ephors, taking no notice of it, had a virtuous Citizen propose the same opinion. What an honor for one, what a shaming for the other, without even having praised or blamed either of the two. Certain drunkards from Samos** defiled the Tribunal of the Ephors. The following day, a public edict gave the Samians permission to be filthy. A real punishment would have been less severe than such impunity. When Sparta declared what is or is not decent, Greece did not contest its judgments.

* In this chapter, I merely indicate what I have treated at greater length in the *Letter to M. d'Alembert*.

** They came from another island which the delicacy of our language forbids me to name in this context.[129]

Chapter VIII: On Civil Religion

Men at first had no other Kings than the Gods, nor any other Government than Theocracy.[130] They reasoned like Caligula and then they reasoned correctly. A long period of change in sentiments and ideas was necessary before men could bring themselves to accept a fellow man as a master and flatter themselves that this was a good arrangement.

By the sole fact that God was placed at the head of every political society, it followed that there were as many Gods as there were peoples. Two peoples foreign to each other and nearly always enemies could not recognize the same master for long; two armies battling one another could not obey the same leader. Thus national divisions resulted in polytheism, and beyond that in theological as well as civil intolerance, which are naturally the same thing, as will be stated hereafter.

The whimsical notion of the Greeks to find their own Gods in those of barbarian peoples came from their other notion that they were the natural Sovereigns of these peoples. But in our day, the equation of the Gods of various nations is ridiculous erudition, as if Moloch, Saturn, and Cronus could have been the same God; as if the Phoenicians' Baal, the Greeks' Zeus, and the Romans' Jupiter could have been the same; as if chimerical Beings, bearing different names, could have something in common!

The question may be asked why under paganism, when each State had its cult and its Gods, there were no wars of Religion. I reply that it was for this very reason that each State, having its own cult as well as its Government, did not distinguish between its Gods and its laws. Political war was also Theological. The departments of the Gods were, so to speak, fixed by the boundaries of Nations. The God of one people had no right over other peoples. The Gods of the Pagans were not jealous Gods. They divided dominion over the world among themselves. Moses himself and the Hebrew People accepted this idea sometimes when speaking of the God of Israel. It is true that they regarded as nothing the Gods of the Canaanites, a proscribed people destined for destruction, and whose land they were to occupy. But notice how they spoke of the divinities of neighboring peoples whom they were forbidden to attack! *Is not the possession of what belongs to Chamos your God*, said Jeptha to the Ammonites, *legitimately yours? By the same token, we possess the lands that our victorious God has acquired.** It seems to me that this was a clear acknowledgment of parity between the rights of Chamos and those of the God of Israel.

**Nonne ea quae possidet Chamos deus tuus tibi jure debentur*? So reads the text of the Vulgate. Father de Carrières has translated it: *Do you not believe you have the right to possess what belongs to Chamos your God*? I am ignorant of the implication of the Hebrew text; but I

But when the Jews, subjected to the Kings of Babylon and later to the kings of Syria, wanted to remain obstinate in not acknowledging any other God than theirs, this refusal, regarded as rebellion against the victor, brought on them the persecutions of which we read in their history, and of which there are no other examples prior to Christianity.*

Therefore, since each Religion was uniquely attached to the laws of the State that prescribed it, there was no other way to convert a people except to subjugate it, nor any missionaries other than conquerors. And as the obligation to change cult was the law of the vanquished, it was necessary to start by winning before talking about it. Far from men fighting for the Gods, it was—as in Homer—the Gods who fought for the men. Each man asked his own God for Victory and paid for it with new altars. Before capturing a place, the Romans called upon its Gods to abandon it; and when they let the people of Tarantum keep their angry Gods, it was because at that point the Romans considered those Gods as subject to their own and forced to pay them homage. They let the vanquished keep their Gods as they let them keep their laws. A crown for the Capitoline Jupiter was often the only tribute they imposed.

Finally the Romans, having spread their cult and their Gods along with their empire, and having themselves often adopted the Gods of the vanquished by granting legal status in the City to them all, the peoples of that vast empire gradually come to have multitudes of Gods and of cults, which were approximately the same everywhere. And that is how paganism in the known world finally became a single, identical Religion.

It was under these circumstances that Jesus came to establish a Spiritual kingdom on earth. By separating the theological system from the political system, this brought about the end of the unity of the State, and caused the internal divisions that have never ceased to stir up christian peoples. Now since this new idea of an otherworldly kingdom could never enter the head of the pagans, they always regarded the Christians as true rebels who, beneath a hypocritical submissiveness, were only awaiting the moment to become independent and the masters, and to usurp adroitly the authority they pretended to respect out of weakness. This was the cause of the persecutions.[133]

What the pagans feared happened. Then everything took on a different appearance, the humble Christians changed their language, and soon this

---

see that in the Vulgate Jephtha positively acknowledges the right of the God Chamos, and that the French Translator weakens this recognition by an *according to you* which is not in the Latin.[131]

* It is perfectly evident that the war of the Phocians called the holy war was not a war of Religion. Its object was to punish sacrilege, not to subjugate nonbelievers.[132]

supposedly otherworldly kingdom was seen to become, under a visible leader, the most violent despotism in this world.

However, since there has always been a Prince and civil laws, this double power has resulted in a perpetual conflict of jurisdiction that has made any good polity impossible in christian States, and no people has ever been able to figure out whom it was obligated to obey, the master or the priest.

Several peoples, however, even in Europe or near it, have wanted to preserve or reestablish the ancient system, but without success. The spirit of christianity has won over everything. The sacred cult has always remained, or again become independent of the Sovereign, and without a necessary bond with the body of the State. Mohammed had very sound views; he tied his political system together well, and as long as the form of this Government subsisted under his successors the Caliphs, the Government was completely unified, and good for that reason. But when the Arabs became prosperous, lettered, polished, soft, and weak, they were subjugated by barbarians. Then the division between the two powers began again. Although it is less apparent among the mohammedans than among the Christians, it is there nonetheless, especially in the sect of Ali, and there are States, such as Persia, where it is continually felt.

Among us, the Kings of England have established themselves as heads of the Church, and the Czars have done the same thing. But by this title, they have made themselves not so much the masters as the Ministers. They have acquired not so much the right to change it as the power to maintain it. They are not its legislators; they are only its Princes. Wherever the Clergy constitutes a body,* it is master and legislator in its domain. There are, therefore, two powers, two Sovereigns, in England and in Russia just as everywhere else.

Of all Christian Authors, the philosopher Hobbes is the only one who correctly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle, and the complete return to political unity, without which no State or Government will ever be well constituted. But he ought to have seen that the dominating spirit of Christianity was incompatible with his system, and that the interest of the Priest would always be stronger than that of the State. It is not so much what is hor-

* It must be carefully noted that it is not so much formal assemblies, like those in France, that bind the clergy into a body as it is the communion of churches. Communion and excommunication are the social compact of the clergy, a compact by means of which it will always be master of peoples and Kings. All the priests who take communion together are fellow citizens, even though they may come from opposite ends of the earth. This invention is a political masterpiece. The pagan Priests had nothing that resembles it, and therefore they never constituted a body of Clergymen.

rible and false in his politics as what is correct and true that has made it odious.*

I believe that by treating the historical facts in this light, one would easily refute the opposing sentiments of Bayle and Warburton, one of whom claims that no Religion is useful to the body politic, the other of whom maintains, to the contrary, that Christianity is its firmest support. One would prove to the former that a State has never been founded without Religion serving as its base, and to the latter that Christian law is fundamentally more harmful than useful to the strong constitution of a State. To make myself completely understood, it is only necessary to give a little more precision to the overly vague ideas about Religion that are relevant to my subject.

Considered in relation to society, which is either general or particular, Religion can also be divided into two types, namely the Religion of man and that of the Citizen.[135] The former, without Temples, altars, or rituals, limited to the purely internal cult of the Supreme God and to the eternal duties of morality, is the pure and simple Religion of the Gospel, true Theism, and what may be called natural divine right. The latter, inscribed in a single country, gives it its Gods, its own tutelary Patrons. Its dogma, rites, and external cult are prescribed by laws. Outside the single Nation that observes it, everything is considered infidel, foreign, barbarous; it only extends the duties and rights of man as far as its altars. Such were all the Religions of the early peoples, to which the name of civil or positive divine right can be given.

There is a third, more bizarre, type of Religion which, by giving men two legislative systems, two leaders, and two fatherlands, subjects them to contradictory duties, and prevents them from being simultaneously devout men and Citizens. The Religion of the Lamas is like this, as is that of the Japanese, and Roman Catholicism. It can be called the religion of the Priest. It leads to a type of mixed and unsocial right that has no name.

Considered from a political point of view, each of these three types of religion has its faults. The third is so manifestly bad that it is a waste of time to amuse oneself by proving it. Everything that destroys social unity is worthless. All institutions that put man in contradiction with himself are worthless.

The second is good in that it combines the divine cult and love of the laws, and by making the fatherland the object of the Citizens' adoration,

*Consider, among other things, in a Letter Grotius wrote to his brother, April 11, 1643, what this learned man approves and what he blames in the book *De Cive*. It is true that, being indulgent, he appears to pardon the author's good points for the sake of his bad ones. But everyone is not so clement.[134]

it teaches them that to serve the State is to serve its tutelary God. It is a kind of Theocracy in which there ought to be no other pontiff than the Prince, nor other priests than the magistrates. Then to die for one's country is to be martyred, to violate the laws is to be impious, and to subject a guilty man to public execration is to deliver him to the anger of the Gods: *sacer estod*.[136]

But this religion is bad in that, being based on error and falsehood, it deceives men, makes them credulous, superstitious, and drowns the true cult of divinity in empty ceremonial. It is bad, too, whenever it becomes exclusive and tyrannical and makes a people bloodthirsty and intolerant to the point where it lives only for murder and massacre, and believes it performs a holy act when killing whoever does not accept its Gods. This places such a people in a natural state of war with all others, which is very harmful to its own security.

There remains the Religion of man, or Christianity—not that of today, but that of the Gospel, which is totally different from it. Through this saintly, sublime, genuine Religion, men—children of the same God—all acknowledge one another as brothers, and the society that unites them is not even dissolved by death.

But this Religion, having no particular relation to the body politic, leaves laws with only their intrinsic force, without adding any other force to them; and because of this, one of the great bonds of particular societies remains without effect. Even worse, far from attaching the Citizens' hearts to the State, it detaches them from it as from all worldly things. I know of nothing more contrary to the social spirit.[137]

We are told that a people of true Christians would form the most perfect society that can be imagined. I see only one major difficulty in this assumption, which is that a society of true christians would no longer be a society of men.

I even say that assuming such a society existed with all its perfection, it would be neither the strongest nor the most lasting. By dint of being perfect, it would lack cohesion; its destroying vice would lie in its very perfection.

Everyone would fulfill his duty, the people would be subject to the laws, the leaders would be just and moderate, the magistrates honest and incorruptible, the soldiers would scorn death, there would be neither vanity nor luxury. All that is very well, but let us look further.

Christianity is a totally spiritual religion, uniquely concerned with Heavenly matters. The Christian's fatherland is not of this world. He does his duty, it is true, but he does it with profound indifference for the good or bad outcome of his efforts. As long as he has nothing to reproach him-

self for, it matters little to him whether things go well or badly here on earth. If the State is flourishing, he barely dares to enjoy the public felicity for fear of becoming proud of his country's glory. If the State declines, he blesses the hand of God that weighs heavily on his people.

In order for the society to be peaceful and for harmony to last, all Citizens without exception would have to be equally good Christians. But if unfortunately there is a single ambitious man, a single hypocrite—a Catiline, for example, or a Cromwell—he will very certainly get the better of his pious compatriots. Christian charity makes it hard to think ill of one's neighbor. As soon as he has learned the art of how to trick them through some ruse and seize part of the public authority for himself, he will be a man of constituted dignity; it is God's will to respect him. Soon he is powerful; it is God's will to obey him. Does the depository of this power abuse it? He is the rod with which God punishes His children. It would be against conscience to chase out the usurper, for it would be necessary to disturb the public tranquillity, use violence, shed blood. All of that is inconsistent with the gentleness of a Christian. And after all, what does it matter whether one is free or a serf in this vale of tears? The essential thing is to go to paradise, and resignation is but an additional means of doing so.

What if a foreign war breaks out? The Citizens march readily to combat; none among them thinks of fleeing; they do their duty, but without passion for victory. They know how to die rather than to win. What does it matter if they are victors or vanquished? Doesn't providence know better than they what is good for them? Imagine how a proud, impetuous, passionate enemy can take advantage of their stoicism! Confront them with those generous peoples consumed by a burning love of glory and fatherland; suppose that your christian republic is face to face with Sparta or Rome. The pious christians will be beaten, crushed, destroyed before they have had time to look around, or they will owe their salvation only to the scorn their enemies will conceive for them. The oath taken by the soldiers of Fabius was a fine one to my mind. They did not swear to die or to win; they swore to return as victors, and they kept their promise. Christians would never have made such a promise; they would have believed they were tempting God.

But I am mistaken when I speak of a Christian Republic; these two words are mutually exclusive. Christianity preaches nothing but servitude and dependence. Its spirit is so favorable to tyranny that tyranny always profits from it. True Christians are made to be slaves.[138] They know it and are scarcely moved thereby; this brief life is of too little worth in their view.

Christian troops are excellent, we are told. I deny this. Let someone show me some. For myself, I don't know of any christian Troops. The crusades will be cited. Without arguing over the valor of the crusaders, I shall note that very far from being Christians, they were soldiers of the priest, they were Citizens of the Church; they were fighting for its Spiritual country, which the church had made temporal in some unknown way. Properly understood, this amounts to paganism. Since the Gospel does not establish a national Religion, a holy war is impossible among Christians.

Under the pagan Emperors, Christian soldiers were brave. All Christian Authors assert this, and I believe it. There was a competition for honor against the pagan Troops. As soon as the Emperors were Christians, this emulation ceased, and when the cross chased out the eagle, all Roman valor disappeared.

But setting political considerations aside, let us return to right and determine its principles concerning this important point. The right that the social compact gives the Sovereign over the subjects does not exceed, as I have said, the limits of public utility.* The subjects, therefore, do not have to account for their opinions to the Sovereign, except insofar as these opinions matter to the community. Now it matters greatly to the State that each Citizen have a Religion that causes him to love his duties; but the dogmas of that Religion are of no interest either to the State or to its members; except insofar as these dogmas relate to morality, and to the duties that anyone who professes it is obliged to fulfill toward others. Everyone can have whatever opinions he pleases beyond that, without the Sovereign having to know what they are. For since the sovereign has no competence in the other world, whatever the fate of subjects in the life hereafter, it is none of its business, as long as they are good citizens in this one.

There is, therefore, a purely civil profession of faith, the articles of which are for the Sovereign to establish, not exactly as Religious dogmas, but as sentiments of sociability without which it is impossible to be a good Citizen or a faithful subject.** Without being able to obligate

**In the Republic*, says the Marquis d'Argenson, *each person is perfectly free with regard to everything that does not harm others*. That is the unvarying limit. It cannot be stated with greater precision. I have not been able to forego the pleasure of citing this manuscript a few times, even though it is unknown to the public, to honor the memory of an illustrious and respectable man, who preserved even in the Office of Minister the heart of a true citizen, and upright and healthy views about the government of his country.[139]

** In pleading for Catiline, Caesar tried to establish the dogma of the mortality of the soul. To refute him, Cato and Cicero wasted no time philosophizing. They contented themselves with showing that Caesar was speaking as a bad Citizen and advancing a doctrine

anyone to believe them, the sovereign can banish from the State anyone who does not believe them. The sovereign can banish him not for being impious, but for being unsociable; for being incapable of sincerely loving the laws, justice, and of giving his life, if need be, for his duty. If someone who has publicly acknowledged these same dogmas behaves as though he does not believe them, he should be punished with death. He has committed the greatest of crimes: he lied before the laws.[140]

The dogmas of the civil Religion ought to be simple, few in number, stated with precision, without explanations or commentaries. The existence of a powerful, intelligent, beneficent, foresighted, and providential Divinity; the afterlife; the happiness of the just; the punishment of the wicked; the sanctity of the social Contract and the Laws. These are the positive dogmas. As for the negative ones, I limit them to a single one: intolerance. It belongs with the cults we have excluded.[141]

Those who make a distinction between civil and theological intolerance are mistaken, in my opinion. These two intolerances are inseparable. It is impossible to live in peace with people whom one believes are damned. To love them would be to hate God who punishes them. They must absolutely be either brought into the faith or tormented. Wherever theological intolerance exists, it is impossible for it not to have some civil effect;* and as soon as it does, the Sovereign is no longer Sovereign, even over temporal matters. From then on, Priests are the true masters; Kings are merely their officers.

Now that there is no longer and can never again be an exclusive national Religion, one should tolerate all those religions that tolerate others insofar as their dogmas are in no way contrary to the duties of the Citizen. But whoever dares to say *there is no Salvation outside of the Church*

---

that was pernicious to the State. Indeed, this was what the Roman Senate had to judge, and not a question of theology.

*Marriage, for example, being a civil contract, has civil effects without which society could not even subsist.[142] Suppose, then, that a Clergy obtains for itself alone the right to pass this act, a right it inevitably usurps in any intolerant Religion. Then isn't it clear that by asserting the Church's authority in this domain, it will render ineffectual that of the Prince, who will have no other subjects than those whom the Clergy is willing to give him? As the master of which people can or cannot be married, according to whether they do or do not subscribe to one or another doctrine, whether they accept or reject one or another religious formula, whether they are more or less devout, isn't it clear that by behaving prudently and standing firm, the clergy will have at its sole command inheritances, offices, the Citizens, the State itself, which could not subsist if it were composed only of bastards? But, it will be objected, appeal will be made against such abuses; there will be summonses, decrees, seizures of church holdings. What a pity! If the Clergy has a little, I won't say courage, but good sense, it will let this happen and go on as usual. It will tranquilly allow the appeals, summonses, decrees, and seizures, and will end up by being the master. It is not, it seems to me, a great sacrifice to abandon a part when one is sure to take possession of the whole.

should be chased out of the State, unless the State is the Church, and the Prince is the Pontiff. Such a dogma is good only in a Theocratic Government; in any other it is pernicious. The reason for which Henry IV is said to have embraced Roman Catholicism ought to make all honest men—and especially all Princes capable of reasoning—leave it.[143]

Chapter IX: Conclusion

After setting forth the true principles of political right and trying to found the State on this basis, what remains to be done is to buttress the State by its foreign relations, which would include the law of nations, commerce, the right of war and conquest, public law, alliances, negotiations, treaties, etc. But all that constitutes a new object, too vast for my limited purview. I should always have set my sights closer to myself.[144]

END

Notes

Bloom	Jean-Jacques Rousseau. *Emile*. Edited by Allan Bloom. New York: Basic Books, 1979.
Collected Writings, I	Jean-Jacques Rousseau. *Rousseau, Judge of Jean-Jacques: Dialogues. Collected Writings of Rousseau*, Vol. 1. Edited by Roger D. Masters and Christopher Kelly. Hanover, N.H.: University Press of New England, 1991.
Collected Writings, II	Jean-Jacques Rousseau. *First Discourse and Polemics. Collected Writings of Rousseau*, Vol. 2. Edited by Roger D. Masters and Christopher Kelly. Hanover, N.H.: University Press of New England, 1992.
Collected Writings, III	Jean-Jacques Rousseau. *Second Discourse, Polemics and Political Economy. Collected Writings of Rousseau*, Vol. 3. Edited by Roger D. Masters and Christopher Kelly. Hanover, N.H.: University Press of New England, 1993.
Launay	Jean-Jacques Rousseau, *Oeuvres Complètes*, Vols. 1–3. Paris: Editions du Seuil [Collection L'Intégrale], 1967ff.
Pléiade (or *Pl.*)	Jean-Jacques Rousseau. *Oeuvres Complètes*, Vols. 1–4. Paris. NRF-Editions de la Pléiade, 1959ff.
Vaughan	Jean-Jacques Rousseau. *The Political Writings of Rousseau*, Vols. 1–2. Edited by C. E. Vaughan. Cambridge, Eng.: Cambridge University Press, 1915.

The following translations of Rousseau's *Social Contract* have been consulted; each will be cited by the editor's name: Frederick Watkins (*Rousseau—Political Writings*, London: Nelson, 1953); Maurice Cranston (Harmondsworth, Eng.: Penguin Books, 1968); Charles Frankel (New York: Hafner, 1947); G. D. H. Cole (Everyman's Library; New York: E. P. Dutton, 1950); the revision of Cole's edition by J. H. Brumfitt and John C. Hall (Everyman's Library; New York: New American Library, 1974); Lester B. Crocker (New York: Washington Square Press, 1967).

NOTES TO THE EDITORS' INTRODUCTION

1. *Rousseau, Judge of Jean-Jacques: Dialogues*, Dialogue III, *Collected Writings*, I, 211.

2. See Rousseau's "Notice" (below, p. 1).

3. E.g., "I seek right and reason, and do not argue over facts." *Geneva MS*, I, v (below p. 89).

4. *Preface to a Second Letter to Bordes*, in *Collected Writings*, II, 184.

5. Originally, this explosive sentence was in Book I, chapter iii, and followed the long discussion of Diderot's concept of the "general will of the human species" (*Geneva Manuscript*, I, ii), which Rousseau deleted when revising the manuscript for publication. As J. McManners has remarked, Rousseau often "advances a shattering proposition, then explains it"—a stylistic device that Michel Launay aptly called "a blow, followed by a caress." "The Social Contract and Rousseau's Revolt against Society," in *Hobbes and Rousseau*, ed. M. Cranston and R. Peters, 295 (Garden City, N.Y.: Anchor Books, 1972). On the clarity that resulted from Rousseau's reorganization of Book I, compare Vaughan, I, 435–445; *Geneva Manuscript*, editorial note 18; and Roger D. Masters, *The Political Philosophy of Rousseau* (Princeton, N.J.: Princeton University Press, 1968), 323, n. 83. Rousseau's stylistic craft is also evident in the deletion of the word *cependant* before the word *partout*, which heightened the contrast between natural freedom and civilized slavery.

6. The ambiguity arises because the verb "est né" is the past tense of "naître" (to be born), whereas "est" (is) "né" (born) is an equally possible reading. For example, the present tense is used in the translations of the *Social Contract* by Watkins, Cole, Frankel, and Sherover; the past tense by Cranston and Crocker. (Compare the revision of G. D. H. Cote's edition of the *Social Contract*, by J. H. Brumfittt and John C. Hall (Everyman's Library; New York: E. P. Dutton, 1973), 317. Moreover, the ambiguity was evidently *chosen* by Rousseau. He could, after all, simply have used the present tense, as did a book he elsewhere quotes: "selon le Droit Naturel, tous les hommes naissent libres" (Barbeyrac's translation of Pufendorf, *Droit de la Nature et des gens*, cited in Pléiade, III, 1433, n. 5). In fact, later Rousseau uses the present tense himself in exactly this fashion; see *Social Contract*, I, iv: all children "naissent [are born] hommes et libres" (Pléiade, III, 356).

7. Note that the past tense roughly corresponds with the definition of freedom as "perfectibility," whereas the present tense emphasizes each individual's status as a "free agent." Compare *Social Contract*, note 38.

8. The French revolutionary leader Robespierre wrote of Rousseau: "Divine man! you taught me to know myself; very young, you made me appreciate the dignity of my nature and reflect on the great principles of the social order. The old edifice has *crumbled*; the portals of a new edifice have been built on the debris and, thanks to you, I have contributed my share." *Dédicace de Maximilien Robespierre aux manes de Jean-Jacques Rousseau*, quoted in Hippolyte Buffenoire, *Le Prestige de Jean-Jacques Rousseau* (Paris: Émile-Paul, 1909), 433–434.

9. McManners, "The Social Contract and Rousseau's Revolt against Society," 305.

10. William Pickles, "The Notion of Time in Rousseau's Political Thought," in *Hobbes and Rousseau*, ed. Cranston and Peters, 372–373. As Rousseau once advised: "When in doubt, stop every innovation, large or small." *Lettres écrites de la montagne*, IX (Pléiade, III, 873).

11. *Social Contract*, I, i (p. 131; Pléiade, III, 351). Note that, at the risk of appearing awkward, the play on words of the French "*L'homme est né libre*" will be translated by "Man was/is born free."

12. *Social Contract*, I, Proemium (p. 131; Pléiade, III, 351). For a commentary on this passage, see Masters, *The Political Philosophy of Rousseau*, 301–306. The same

ambivalence is evident in the *Emile*: although the "science" of "political right" is "useless," it is the "yardstick" for measuring all existing laws (Book V; Pléiade, IV, 836–837). For a thoughtful statement on the tension between Rousseau's cautious attitude toward change and his revolutionary principles, see Hilail Gildin, "Revolution and the Formation of Political Society in the *Social Contract*" *Interpretation* 5 (Spring 1976), 247–265, as well as Gilden's *Rousseau's Social Contract: The Design of the Argument* (Chicago: University of Chicago Press, 1983).

13. See Vaughan, I, 77, as well as the essays by McManners, Pickles, and de Jouvenel in *Hobbes and Rousseau*, ed. Cranston and Peters, chaps. 12, 15, 19. Among recent studies of Rousseau's political thought, compare Judith N. Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (London: Cambridge University Press, 1969); Raymond Polin, *La Politique de la solitude* (Paris: Sirey, 1971); Victor Goldschmidt, *Anthropologie et politique: Les principes du système de Rousseau* (Paris: Vrin, 1974); Merle L. Perkins, *Jean-Jacques Rousseau on the Individual and Society* (Lexington, Ky.: University Press of Kentucky, 1974); and Robert Wokler, *Rousseau* (New York: Oxford University Press, 1994). For the interpretation that Rousseau is "ultimately incoherent," see John Charvet, *The Social Problem in the Philosophy of Rousseau* (London: Cambridge University Press, 1974). For evidence that Rousseau's assertion that the "social order is a sacred right that serves as a basis for all the others" (*Social Contract*, I, i, 131) does not contradict his insistence on the artificial status of society, compare the Preface to the *Second Discourse*: "human establishments appear at first glance to be founded on piles of quicksand. It is only by examining them closely, it is only after removing the dust and sand that surround the Edifice, that one perceives the unshakable base upon which it is built, and that one learns to respect its foundations" (*Collected Writings*, III, 15–16). Indeed, Rousseau later asserted that "The foundations of the State are the same in all Governments, and these foundations are better established in my Book than in any other." (*Lettres écrites de la montagne*, VI [Pléiade, III, 811]). Rousseau's distinction between long-range pessimism and short-range optimism, at least in some cases, is perfectly logical albeit unconventional. At the deepest level, the main question one must ask of Rousseau's political philosophy is not whether he contradicts himself, but whether his image of political society as a man-made "edifice" or "machine" is correct. Compare Aristotle, *Politics*, I.ii. 1252a–1253a.

14. Vaughan, I, 21. Compare *Du Contrat social*, ed. Maurice Halbwachs (Paris: Editions Montaigne, 1943), 125–127. In contrast to Vaughan's argument for a basic continuity is J. C. Hall, "The Development of Rousseau's Political Philosophy," in *Social Contract*, ed. Brumfitt and Hall, xlv–xlix. According to Hall, in *Political Economy*, Rousseau's "interest is at first in discovering what kind of activity on the part of government will make men virtuous rather than corrupt them. . . . By the time he wrote the material copied in the *Geneva Manuscript* his interest shifted to the formal conditions that must be fulfilled if any government is to be legitimate. . . . Finally, in the latest additions to the *Social Contract*, he is concerned with finding a specific constitution that will guarantee that the general will always be expressed. At this stage his interest has narrowed. Whereas in the parts found in the *Geneva Manuscript* he shows a concern for the legitimate government of all peoples, in the latest parts he shows interest only in city-states, particularly

Geneva" (ed. Brumfitt and Hall, p. xlix). Such a hypothesis confronts several massive difficulties. First of all, the Dedicatory Epistle of the *Second Discourse*, written in 1754, treats Geneva as that people "which, of all others, seems to me to possess society's greatest advantages and to have best prevented its abuse" (*Collected Writings*, III, 3). Second, the "latest part" of the *Social Contract* is unquestionably the chapter on "Civil Religion" (IV, viii), which does not fit Hall's hypothesis at all; indeed, one could say that Rousseau's civil religion is concerned with making citizens "virtuous"—for Hall the focus of the *Political Economy*. Finally, Hall's entire interpretation rests on the unproven and unprovable assumption that "the parts of the *Social Contract* that are found only in the final version" were written after the surviving portion of the *Geneva Manuscript*. As a matter of fact, however, that manuscript is a notebook which is torn in half, with the second half missing (so that the text breaks off at Book III, i). Because the *Geneva Manuscript* was written out in a fair hand as if for the printer (Pléiade, III, 1866), one could as well argue that the missing second half of the notebook was used, virtually unchanged, in the final version. In any event, one need not engage in complex explanations that require hunches or guesses about unknown historical details when careful textual analysis reveals the coherence of Rousseau's "system." See Arthur M. Melzer, *The Natural Goodness of Man* (Chicago: University of Chicago Press, 1990).

15. In the original manuscript, Rousseau started to title his work *Du Contrat social*. He then changed it to *De la Société civile* (*Of Civil Society*), only to return to his original title (Pléiade, III, 1410). One can therefore say that Rousseau carefully *chose* his title.

16. For a useful account of the history of the term, see Patrick Riley, *The General Will before Rousseau: The Transformation of the Divine into the Civic* (Princeton, N.J.: Princeton University Press, 1986).

17. For a discussion of Diderot's position and Rousseau's response to it, see *Collected Writings*, III, xxii–xxiii.

18. In *Lettres écrites de la montagne*, Rousseau insists that his distinction between sovereign and government is "very important": "In Monarchies where the executive power is joined to the exercise of sovereignty, the Government is nothing but the Sovereign himself, acting by his Ministers, his Council, or by Bodies that depend absolutely on his will. In Republics, above all in Democracies, where the Sovereign never acts immediately by itself, it is something else. Then the Government is only the executive power, and it is absolutely distinct from sovereignty" Letter V (Pléiade, III, 770–771). Rousseau's position on this point was already clear in the *Second Discourse*, Part 2 (*Collected Writings*, III, 55–61).

19. *Geneva Manuscript*, title page (p. 76; Pléiade, III, 279). It may seem forced to speak of Rousseau's "general will" as a Platonic "idea" merely because Rousseau himself uses the words "Form" and "idea." But even without reference to this precise use of words, many commentators have noted the strong influence of Plato on Rousseau's thought: for example, Vaughan, I, 2–3; Charles W. Hendel, *Jean-Jacques Rousseau: Moralist*, I, 15–19, 27–29, et passim (Indianapolis, Ind.: Library of Liberal Arts, 1962); *Du Contrat social*, 21, 35–38, 141–143, ed. Bertrand de Jouvenel (Editions du Cheval Ailé; Geneva: Constant Bourquin, 1947). That Rousseau viewed his philosophy as a modern response to Plato is particularly evident in the *Emile*: see Masters, *Political Philosophy of Rousseau*, 98–105.

20. See the passage of the *Confessions* cited in editorial note 4 to the *Social Contract* (p. 242). In the *Social Contract* itself, there are two favorable references to Plato's *Statesman* (II, vii, and III, vi) and another to Plato himself (II, viii), but no mention is made of the *Republic*. Rousseau's "Principles of Political Right" are in part inspired by Plato but intended to provide a modern replacement for the *Republic*.

21. See *Etat de guerre* (Pléiade, III, 606), cited in Masters, *The Political Philosophy of Rousseau*, 286. On the analogy of the State and a machine, see ibid., 260–261, 287–288.

22. For an analysis, see Masters, *The Political Philosophy of Rousseau*, chap. viii.

23. "All political societies are composed of other, smaller societies of different types, each of which has its interests and maxims. . . . The will of these particular societies always has two relations: for the members of the association, it is a general will; for the large society, it is a private will" (*Political Economy*, in *Collected Writings*, III, 143–144).

24. Compare *Political Economy*: "Since particular societies are always subordinate to those that contain them, one ought to obey the latter in preference to the former; the citizen's duties take precedence over the senator's, and the man's over the citizen's. But unfortunately personal interest is always found in inverse ratio to duty, and it increases in proportion as the association becomes narrower and the engagement less sacred—invincible proof that the most general will is also always the most just, and that the voice of the people is in fact the voice of God" (*Collected Writings*, III, 144).

25. In this passage, Rousseau uses the word "prince" to refer to the entire body of magistrates (compare III, i). Although supposedly justified by the usage of the Republic of Venice, Rousseau's unconventional definition has the same antimonarchical bias as his use of the word "sovereign."

26. Bertrand de Jouvenel, "Rousseau's Theory of the Forms of Government," in *Hobbes and Rousseau*, ed. Cranston and Peters, 496. Among recent commentators, de Jouvenel has the immense merit of having focused on the importance of what Rousseau called his "maxims" of politics and of relating them to his generally "pessimistic" view of human history.

EDITORS' NOTES TO *Discourse on the Virtue Most Necessary for a Hero*

1. This topic was proposed by the Academy of Corsica at Bastia in November of 1750. As Rousseau says, he did not submit his discourse. In 1755 he considered publishing it as a part of a collection of his works, but the project fell through. Somehow, a copy of the discourse was acquired by the *Année littéraire*, edited by Elie-Catherine Fréron, and was published in 1768 without Rousseau's permission. This copy had many omissions, and a complete version of the discourse was not published until 1782.

2. The story of the meeting between Alexander the Great and the philosopher Diogenes (413–323 B.C.) is told in Plutarch's life of Alexander. Alexander went to visit Diogenes, who had not joined the throng of visitors who had gone to see Alexander. He came across Diogenes lying in the sun and, while standing over

him, asked him if he wanted anything. Diogenes responded by asking Alexander to stop blocking the sunlight.

3. Thrasybulus was an Athenian general who led the liberation of Athens from the Thirty Tyrants in 404 B.C.

4. Plato visited the court at Syracuse three times between 390 and 361 B.C. His friend Dion overthrew the tyranny in 360.

5. Cadmus, the legendary founder of Thebes, was said to have killed a dragon and sown its teeth in the ground. The teeth grew into soldiers who fought among themselves until all but five of them were dead.

6. The Romans opened the doors of the temple of Janus when they declared war and closed them when the war had ended.

7. Cataline (109–61 B.C.) led a conspiracy against the Roman republic. Oliver Cromwell (1599–1658) was the Puritan leader in the English Civil War.

8. Marius (109–61 B.C.) was a Roman general. Totila was king of the Ostragoths from 541 to 552 and conquered Italy. Tamerlane (1336–1405) was the founder of the second Mongol empire. All three were known for their cruelty.

9. Charles V (1500–1558) was emperor of the Holy Roman Empire and (as Charles I) King of Spain.

10. Ajax, Hector, and Achilles are all in Homer's *Iliad*.

11. Antiochus II (223–187 B.C.) was king of Syria. Pompey the Great fled the battlefield at Pharsalia. Marc Antony was the vanquisher of Brutus and lost control of Rome to the future Emperor Augustus.

12. Porus was the king of India defeated by Alexander the Great in 323 B.C. Pyrrhus, the king of Epirus was defeated by the Roman general Fabricius in the third century B.C. On Fabricius, see the *First Discourse* in *Collected Writings*, II, 11. François I (1494–1547) was king of France. De Valois (1551–1589) became Henry III of France. Admiral Gaspard de Coligny (1519–1572) was a military leader of French Protestants. He was assassinated on the St. Bartholemew's Day Massacre, August 24, 1572.

13. The legislator of Sparta was Lycurgus. The legislator of Athens was Solon. Cato of Utica (95–46 B.C.) is frequently cited by Rousseau as the perfect model of citizenship. Rousseau is referring to Cato's reform of the men under his military command, which is reported in Plutarch's life of Cato.

14. The Emperor Augustus pardoned Creius Cornelius Cinna who had conspired against him. Julius Caesar was assassinated by the Senate.

15. Rousseau is referring to the Marquis de Cursay, head of the French expeditionary force to Corsica, who had reestablished the academy that proposed this question.

16. The "Soldier from the North" is perhaps Gustavus Adolphus II (1594–1632), King of Sweden; he was known for both military virtue and generosity but died in the middle of his career—after which Sweden lost most of his gains in a few years. Charles Stuart (1600–1649) was Charles I of England. His "murderer" was Cromwell.

17. Pierre du Terrail, seigneur de Bayard (1473–1524), was famous for extraordinary acts of bravery in the French wars in Italy at the beginning of the sixteenth century. Louis-Dominique Bourguignon, known as Cartouche, was a famous brigand.

18. Rousseau is referring to the resistance of the Corsicans to Genoan rule.

19. Epictetus was a Greek philosopher of the first century A.D. who lived in Rome as a slave.

20. Montaigne, *Essays*, I, 23.

21. Alcibiades (450–404 B.C.) was a companion of Socrates who shifted sides several times in the Peloponnesian War. Cato the Elder (234–149 B.C.) was an ardent supporter of traditional Roman virtues but also had the vices Rousseau lists.

22. On the importance of strength of soul for Rousseau, see especially *Rousseau: Judge of Jean-Jacques* in *Collected Writings*, I, 9–12.

23. The editors of the Pléiade edition suggest that Rousseau's source for this remark is a French edition of Francis Bacon's *Essays*. In the essay "Of Adversity" Bacon says, "But to speak in a mean, the virtue of prosperity is temperance, the virtue of adversity is fortitude, which in morals is the more heroical virtue." In the French translation fortitude is translated as *force*, i.e., force or strength. Cf. Machiavelli, *The Prince*, esp. chap. 25.

24. Regulus was a Roman general captured by the Carthaginians. He was sent to Rome to negotiate a peace and was made to swear an oath that he would return to Carthage if his negotiations failed. He urged the Romans not to make peace, returned to Carthage, and was tortured to death. Rousseau uses him as an exemplar of citizenship in *Emile* (Bloom, 40).

25. Rousseau repeated this view of Socrates years later in his Letter to M. de Franquières (Pléiade, IV, 1146).

26. See the title (the question as posed by the Academy).

EDITORS' NOTES TO *Fragment on Freedom*

1. This fragment is among those edited by Claude Pichois and René Pintard under the title *Jean-Jacques entre Socrate et Caton* (Paris: Librairie José Corti, 1972). On the same sheet as this fragment there is the title of the *First Discourse* and a copy of its Preface. This suggests that this fragment may have been written after the Academy of Dijon voted to give Rousseau its prize for the *First Discourse* (July 1750), but before its publication early in 1751.

2. The word translated as "politicians" here is *politiques*, which has usually been translated as "political thinkers." It covers a range of meanings from politicians to statesmen to political advisors to political philosophers.

EDITORS' NOTES TO *Comparison of Socrates and Cato*

1. These detached fragments are among those edited by Claude Pichois and René Pintard under the title *Jean-Jacques entre Socrate et Caton* (Paris: Librairie José Corti, 1972), who suggest that they were written between 1751 and 1754 in connection with Rousseau's work on the *Discourse on the Virtue Most Necessary for a Hero* and *Political Economy*.

2. For this story, see Plato, *Symposium*, 219e–221c.

3. See note 13 to the *Discourse on the Virtue Most Necessary for a Hero*, p. 230.

EDITORS' NOTES TO *Political Fragments*

1. These fragments are translated in the order presented in the Pléiade edition (III, 471–560), with the suggested headings from that edition in brackets; the location of each fragment is indicated on pages 1509–1515 of the same volume.

2. Vaughan (I, 339) suggests that this list outlines a section of Rousseau's *Political Institutions*, but other scholars have suggested that it is merely a list of topics to consider.

3. Scholars have suggested "finances," "the French," and "women" (*femmes*) as indicated by the "f."

4. This is the title of a section of Book V of *Emile*. See *Emile* (Bloom, 450).

5. This fragment is possibly an early version of a preface to Rousseau's projected *Political Institutions*.

6. This fragment appears to be referring to the simplest forms of human associations discussed in the *Second Discourse* (*Collected Writings*, III, 45).

7. This fragment is a draft of a passage near the end of Book I, chapter ii, of the *Geneva Manuscript* (see p. 82 of this volume).

8. Like the preceding fragment, this one is an alternate version of a section at the end of Book I, chapter ii, of the *Geneva Manuscript* (see p. 82 of this volume).

9. This appears to be an alternate beginning of what became chapter ii of Book I of the *Geneva Manuscript*.

10. See Montesquieu, *Spirit of the Laws*, V, vii. Montesquieu argues that paternal authority is useful to republics, because it helps maintain morals. Rousseau's claim is that this is true only in the type of republic in which morals do not depend on laws.

11. See *Social Contract*, I, ix (p. 143).

12. The words in brackets have been suggested to complete the sentence. Rousseau originally wrote, "have had light thrown on them," but crossed it out.

13. At the end of Molière's play, Tartuffe is exposed as a hypocrite and traitor and the prince has sentenced him to jail, but his main victim is persuaded to ask the prince for clemency.

14. Rousseau originally wrote, "Ask a man of Letters why the denouement of *Tartuffe* appears so bad to him and you will understand from his answer what I want to say."

15. Rousseau is referring to the *Secret History* by Procopius (c. 499–c. 565).

16. It is thought that this is a reference to Montesquieu's *Spirit of the Laws*, VI, ix, which reads "Everything the law calls a penalty effectively is a penalty." See Pléiade, II, 1522.

17. "Let him be damned." See the *Geneva Manuscript*, Civil Religion (p. 118).

18. This is a quotation from Plutarch's "Life of Alcibiades."

19. On the law of internal revenue.

20. This is a reference to the book *Oeconomiques* by Claude Dupin published

in 1745. Rousseau worked as a secretary for the Dupin family beginning around the time of the publication of this book.

21. Rousseau is referring to Catherine-Stanislas-Jean, Marquis de Boufflers.

22. The Pléiade editors suggest that Rousseau is referring to Jean-François Melon and David Hume in this paragraph (Pléiade, II, 1529). The first of these is very likely, and the second is at least possible. In the *Confessions* Rousseau says that prior to meeting Hume all he knew about his works were his *History* and the fact that he argued that the defense of luxury and attachment to republican government could be linked (Pléiade, I, 630). It is also conceivable that Rousseau is referring to Bernard Mandeville whom he discusses in the *Second Discourse* (see *Collected Writings*, III, 36–37).

23. Compare *Social Contract*, III, ix (p. 185).

24. The sense of the sentence evidently requires that it read: "the second and the third, make themselves felt to men only when the first are satisfied." (See Pléiade, III, 1534).

25. Compare *Essay on the Origin of Languages*, chapter ix.

26. The manuscript of this fragment indicates that it is a comment Rousseau made to the *Encyclopedia* article "Sunday," which argues against the religious prohibition against working on Sundays. Rousseau's argument is that the prohibition places a harmful restriction on labor in northern climates but is more sensible in southern climates.

27. This citation is from *Réflexions critique sur la poésie et sur la peinture* (Paris: Mariette, 1719, II, 261) by the abbé Jean-Baptiste Du Bos.

28. On Regulus, see editors' note 24 to "Virtue Necessary for a Hero," p. 231.

29. Rousseau originally wrote "to seek in its annals for the one." He crossed out all of this except "to seek."

30. Eurysthenes and Procles were twin brothers and descendants of Heracles. They conquered Sparta, which is in Laconia on the Peleponnesus.

31. This probably refers to Lycurgus and Numa (rather than Romulus). On Numa, see *Considerations on the Government of Poland*, chapter ii, and *Social Contract*, IV, iv (203n).

32. The Philaeni were Carthaginians who had themselves buried alive to ratify a boundary agreement on behalf of Carthage.

33. The sheet of paper containing this fragment is torn here.

34. Antoninus is the Emperor better known as Marcus Aurelius.

35. Rousseau is referring to *Relation of the Voyage of Adam Olearius to Muscovy, Tartary and Persia . . .* by Jean-Albert Mandelslo (Paris: Jean Du Puis, 1659), I, 424.

EDITORS' NOTES TO *Geneva Manuscript*

1. Rousseau hesitated between *Du Contract social* and *De la Société civile* as the title, and tried three other subtitles: *Essai sur la constitution de l'Etat, Essai sur la formation du corps politique*, and *Essai sur la formation de l'Etat*, before finally making up his mind (Pléiade, III, 1410). On the term "social contract" and the Platonic version of the original subtitle, see Introduction, pages xv–xvii and xx–xxii.

2. This chapter was deleted from the final version, perhaps because it is almost apologetic in tone; compare the Introduction to Book I in the final version. The clear distinction between the "nature" of the "social body" and its "relationship" is, however, worth stressing; by "relationships," Rousseau means the "matters of expediency" described in *Geneva Manuscript*, II, iii and II, vi, or *Social Contract*, II, xi. The distinction thus parallels the difference between "the idea of the civil state" and the "science of the legislator" (*Geneva Manuscript*, I, iv); in the final draft of the *Social Contract*, a similar distinction is made between "principles of right" and "maxims of politics" (III, xviii) or between "right" and "political considerations" (IV, viii). On the implications of these passages, see Introduction, pp. xxii–xxv.

3. Although deleted from the final version, this chapter is of great importance. It contains Rousseau's rejection of the concept of a "general will of the human species," which Diderot had proposed in the article *Natural Right* (*Encyclopédie*, V). See Introduction pp. xvii–xix and, for the text, *Collected Writings of Rousseau*, III, 135–139. Since Diderot's definition of the "general will" anticipates Kant's "categorical imperative" to a striking extent, the logic of Rousseau's criticism could also be applied to Kantian ethics. Without minimizing the impact of Rousseau's thought on Kant—and the affinities between their ideas—attempts to read Kantian ethics back into Rousseau's political teaching must consider this evidence carefully. Compare Ernst Cassirer, *Rousseau, Kant and Goethe* (New York: Harper Torchbooks, 1963), and Andrew Levine, *The Politics of Autonomy: A Kantian Reading of Rousseau's Social Contract* (Amherst: University of Massachusetts Press, 1976).

4. On Rousseau's argument that the emergence of social "bonds" was preceded by an evolution away from man's "natural needs" and "primitive state," see *Second Discourse*, Part 1 (*Collected Writings*, III, 33–34), and Part 2 (especially p. 48) as well as *Essay on the Origin of Languages*, chapters ii and ix. What the next paragraph calls a "state of nature" among humans who have developed reason, passions, and speech should thus be compared to the "state of war" in *Second Discourse*, Part 2 (*Collected Writings*, III, 52–54).

5. Paragaphs in brackets are crossed out in the *Geneva Manuscript* itself. Note that this passage explains Rousseau's attempt—stated at the outset of the final version—"to reconcile . . . what right permits with what interest prescribes" (*Social Contract*, I, Introduction). In other words, Rousseau will assume that humans are both selfish and capable of rationally defining their self-interest.

6. So much for Rousseau's supposed praise for the "noble savage"—a phrase which, to our knowledge, he never used. Compare *Second Discourse*, Part 2 (*Collected Writings*, III, 43–44) and *Essay on the Origin of Languages*, chapter ix: although "savage society" was the "happiest and most durable epoch" of human evolution, the "golden age" of the past was also "barbaric."

7. Rousseau here restates his attack on the natural law tradition, according to which human society and moral duty are derived from a natural law discovered by "right reason." See *Second Discourse*, Preface (*Collected Writings*, III, 13–15), and Part 1 (pp. 37–38). For examples of this natural law tradition, see Aristotle, *Nicomachean Ethics*, V.vii. 1134b–1135a (ed. Ostwald [New York: Library of Liberal

Arts, 1965], 131–133); Cicero, *De Re Publica*, III.xxii. 33 (ed. Keyes [London: Loeb Classical Library, 1959], 211); St. Thomas Aquinas, *Summa Theologica*, I–II, Q. 93–94 (in *The Political Ideas of St. Thomas Aquinas*, ed. D. Bigongiari [New York: Hafner, 1957], 34, 47–50), as well as the works of Grotius, Pufendorf, Barbeyrac, and Burlamaqui cited in R. D. Masters, *Political Philosophy of Rousseau* (Princeton, N.J.: Princeton University Press, 1968), 78, n. 88.

8. This sentence, which Rousseau attributes to "the independent man," is a direct quotation from Diderot's *Natural Right*, where it introduces a speech by what is called a "violent reasoner" who will be "stifled" by Diderot (*Collected Writings*, III, 136). In answer to Rousseau's *Second Discourse*, Diderot argues that "man is not only an animal, but an animal who reasons" (ibid.). Hence the combination of selfishness and rationality—which for Rousseau characterizes man in the "state of war" immediately preceding the social contract (*Second Discourse*, Part 2 [*Collected Writings*, III, 51–54])—for Diderot describes a "ferocious beast" who is either "crazy" or "morally wicked" (*Natural Right*, § iv [*Collected Writings*, III, 116). To represent Rousseau's position before attacking it, Diderot had therefore imagined the following speech being given by a rational egoist in a state of nature: " 'I am aware that I bring horror and confusion to the human species, *but either I must be unhappy or I must cause others to be so, and no one is dearer to me than myself.* Don't blame me for this terrible inclination; it isn't a free choice. It is the voice of nature, which is never clearer to me than when it speaks in my favor. But is it only in my heart that it is heard with such violence? O men, it is to you that I appeal. Which of you, on the point of dying, would not buy his own life at the expense of the largest part of the human race, if he was sure to do so with impunity and in secret? But,' he will continue, 'I am equitable and sincere. If my happiness requires that I do away with all those existences which intrude on me, it is also necessary that an individual, whoever he is, can do away with my [existence] if it intrudes on his. Reason demands it and I accept. I am not so unjust that I require of another a sacrifice that I do not want to make for him'." *Natural Right*, § iii (*Collected Writings*, III, 136), italics added to indicate the passage quoted by Rousseau. Diderot's imaginary speaker seems to equate natural right with an unlimited right of self-preservation, as Hobbes did when describing the "natural condition of mankind" as a "time of war, where every man is enemy to every man." Thomas Hobbes, *Leviathan*, I, xiii (ed. M. Oakeshott [Oxford: Blackwell, 1960], 82. It is, therefore, with surprise that we note that Diderot intends the speech to represent Rousseau—and that Rousseau accepts the attribution, treating Diderot as a "wise man." But whereas Diderot had described the speaker as a "violent reasoner," Rousseau quotes the position as that of an "independent man" who seeks "guarantees" against the "unjust undertakings" of others. The disagreement between Rousseau and Diderot, while at first philosophical, led to a bitter personal break in 1758; see Maurice Cranston, *The Noble Savage: Jean-Jacques Rousseau 1754–1762* (Chicago: University of Chicago Press, 1991), 101–103, 120 et passim. Later, when writing the article *Hobbisme* for the *Encyclopedia* (Vol. VIII, 1765), Diderot emphasized the different conclusions Hobbes and Rousseau drew from similar premises: "The philosophy of Monsieur Rousseau of Geneva is almost the inverse of that of Hobbes. The one thinks man naturally good, and the other thinks

him wicked. . . . Both men were extreme. Between their two systems is another which may convey the truth." *Hobbisme*, in *Denis Diderot, Political Writings*, ed. John Hope Mason and Robert Wokler (Cambridge: Cambridge University Press, 1992), 27–28.

9. The strongly anticlerical tone of these three paragraphs is retained in the final version: see *Social Contract*, II, vi, second paragraph; II, vii, last three paragraphs; and IV, vii. But when Rousseau dismisses the "theologian" on the grounds that religion tends to produce fanaticism, his phrase has a double meaning: to give the question of natural right "back to the philosopher (*philosophe*)" could mean either to return it to philosophers in general—or to a member of the group known as the *philosophes*, namely, Diderot. In fact, Diderot's nickname was "the philosophe." Compare Introduction, p. xvii. On Rousseau's religious teaching, see also *Social Contract*, II, vii; III, viii; and editorial note 135.

10. Again, Rousseau quotes Diderot, who had written: "But if we take from the individual the right to decide the nature of the just and unjust, where will we bring this great question? Where? Before the human species, *which alone ought to decide*, because the good of all is the only passion it has. Individual wills are suspect, they could be good or wicked; but the general will is always good; it has never been mistaken, and it never will be. . . . *The individual should address himself to the general will in order to find out to what extent he should be man, citizen, subject, father, child, and when it is suitable for him to live and to die.*" *Natural Right*, § vi–vii (*Collected Writings*, III, 137), italics added to indicate Rousseau's quotation. Note that Rousseau inserts the superlative "greatest" before "good of all." Although *la volonté générale* ("general will") had been used by Fontenelle and Malebranche, it is not unlikely that this passage by Diderot inspired Rousseau's use of the term, which first appears in *Political Economy*: see *Collected Writings*, III, 202, n. 8. For other antecedents of the notion of a "single" or "general will," however, see Samuel Pufendorf, *Le Droit de la nature et des gens*, VII, ii, § 5, and 13 (ed. 1706; II, 203, 213); Hobbes, *Leviathan*, II, xvii (ed. Oakeshott, p. 112); Montesquieu, *Esprit des lois*, I, iii, and XI, vi (ed. Caillois, 237, 398); as well as Rousseau, *Second Discourse*, Part 2 (*Collected Writings*, III, 60). For a comprehensive survey of this theme, see Patrick Riley, *The General Will before Rousseau: The Transformation of the Divine into the Civic* (Princeton, N.J.: Princeton University Press, 1986).

11. Rousseau here alludes to his notions of "natural pity" and "conscience" as the "voice of nature": *First Discourse*, Part 2 (*Collected Writings*, II, 22); *Second Discourse*, Preface (*Collected Writings*, III, 14–15), and Part 1 (36–38): *Emile*, IV (Pléiade, IV, 522–523, 547–548), and "Profession of Faith" (Pléiade, IV, 594–606). Rousseau's statement that the *philosophes* "assert that this voice is nonexistent" is confirmed by the absence of any reference to "conscience" in *Natural Right*. As if addressing Rousseau directly, Diderot had written: "But you will say to me: Where is this general will found? Where can I consult it? *In the written principles of Right* of all civilized nations, *in the social actions* of savage and barbarian *peoples, in the tacit conventions of the enemies of the human race* amongst themselves; and even in indignation and resentment, the two passions that nature seems to have even given to animals to make up for the absence of social laws and public vengeance." *Natural Right*, § viii (*Collected Writings*, III, 138), italics added to indicate the in-

direct quotation in Rousseau's next sentence. Both Diderot and Rousseau speak of social practice as a possible source of natural law, but where Rousseau speaks of pity and the conscience, Diderot emphasizes "indignation and resentment"—that is, natural passions that serve as punishments rather than bonds or obligations to others.

12. "Among our ancestors they called 'enemies' those we today call 'foreigners'." Cicero, *De Officiis*, I.xii. All of the paragraph up to this quotation is a paraphrase of Grotius, *Droit de la guerre et de la paix*, II, xv, § 5 (see Pléiade, III, 1414–1415).

13. By "violent speaker" Rousseau presumably designates the rational egoist or Hobbesian he previously called "the independent man," but whom Diderot calls "a violent reasoner" (compare editorial note 8 above)—unless of course the "violent speaker" is Diderot himself.

14. The first paragraph of this chapter was revised to become Book I, chap. i, of the final version. The second, third, and fourth paragraphs became Book I, chap. vi; the next three paragraphs—"This formula shows . . . enormous abuse"—became Book I, chap. vii; paragraphs eight and nine—"This passage from the state of nature . . . legal title" became the first two paragraphs of Book I, chap. viii; and the section "On Real Estate" became the chapter with that title (I, ix). On Rousseau's revision of Book I, see editorial note 18 below.

15. Compare the final version of this passage, which became the first paragraph of Book I, chapter i: when Rousseau converted these sentences into his explosive introduction, he personalized the answers to the two questions. Because his original draft of chapter i in Book I was also personalized, it would seem that Rousseau intentionally begins the *Social Contract* by writing in the first person singular. (Compare Introduction, pp. xiii–xv.) The negative answer to the question: "How did this change [from freedom to chains] occur?" is sometimes taken as a repudiation of the *Second Discourse*. This interpretation is unnecessary, because Rousseau says that the "events" between man's "primitive condition" of freedom and "the bonds of servitude" could "have happened in several ways" and hence that his account in the *Discourse* gives only the "conjectures" that are the "most probable." *Second Discourse*, Part I (*Collected Writings*, III, 42–43).

16. Although this sentence was deleted from the final version, it stresses an important point: each individual in society retains—as a social right—the use of all land, goods, and personal faculties that are not being devoted to communal activity. Compare *Etat de guerre*, quoted in editorial note 26 to the *Social Contract*. As Rousseau indicates, however, it is "only under public protection" that private property can be enjoyed "in safety." Cf. Hobbes, *Leviathan*, I, xiii (ed. Oakeshott, 82–83); Locke, *Second Treatise*, xi, § 137–140 (ed. Laslett, 377–380).

17. This chapter was revised to become Book II, chap. i. For a possible reason for the deletion of the first paragraph, see *Social Contract*, editorial note 36. On the importance of the last paragraph, see Introduction, pp. xxii–xxv.

18. This chapter, with its rejection of alternative principles, was divided and only partially used in the final version. The first two paragraphs were deleted; a long discussion of paternal authority (third to seventh paragraphs) appears in *Political Economy* (*Collected Writings*, III, 140–142); most of the next two paragraphs are in *Social Contract*, I, ix; part of the next paragraph in Book I, chapter

iv, of the final version, and the remainder essentially rewritten in the first chapters of the definitive text. These details are primarily significant as an indication of Rousseau's reorganization of the work. Whereas the *Geneva Manuscript* begins by rejecting Diderot's notion of a "general will of the human species" (I, ii), poses Rousseau's own principle (I, iii–iv) and only then rejects alternative positions in general (I, v), the *Social Contract* rejects all contrary explanations of the origin of the social bond (I, i–v) before presenting Rousseau's theory of the general will (I, vi–ix)—and ignores Diderot completely. It would be hard to deny that the final organization is more logical than the first draft. On the first paragraph, compare *Social Contract*, editorial notes 3 and 30. Because part of this chapter appears in *Political Economy*, which was published in 1755, some commentators have argued that the *Geneva Manuscript* was written before that date and that Rousseau's use of a passage required a rewriting of the final version of the *Social Contract* (Pléiade, III, 1417–1418). Compare editorial note 20 below.

19. See especially *Statesman*, 293a. On the difference between paternal and political authority, compare Aristotle, *Politics*, I.i. 1252a (ed. Barker, i).

20. Rousseau refers to a pro-French propaganda tract generally attributed to Jacob N. Moreau: *L'Observateur Hollandois, ou Lettres de M. Van ** à M. H ** de la Haye, sur l'état présent des affaires de l'Europe*, 8 vols. (La Haye, 1755–1759), II, 41–48. Because the passage is in a letter dated January 2, 1756, the *Geneva Manuscript* as it stands must be subsequent to that date. The substance of this note reflects Rousseau's strong opposition to colonial empires. Moreau, writing to defend French land claims that contributed to the Seven Years' War (1756–1763), had asserted that "we can, in the present dispute, consider as vacant lands all those that are only inhabited by savages" (44–45). It is not surprising that the author of the *Second Discourse* was outraged by such an attitude toward the native inhabitants of North America. Compare Locke, *Second Treatise*, v, especially § 41–43 (ed. Laslett, 314–316). Rousseau's omission of this note in the final version (I, ix) might well be due to the fact that it openly criticizes the French claims in a war that was being fought when the *Social Contract* was published. Compare Masters, *Political Philosophy of Rousseau*, 280–282. Rousseau's anticolonialism, although prudently stated, can be traced elsewhere: "Whom shall we judge to be more courageous: odious Cortez subjugating Mexico by means of gunpowder, perfidy, and betrayals, or the unfortunate Guatimozin stretched out on burning coals by decent Europeans for his treasures, scolding one of his officers from whom the same treatment evoked some moans, and saying to him proudly: and I, am I on roses?" *Final Reply* (*Collected Writings*, II, 125).

21. Compare *Social Contract*, I, v, first paragraph, and editorial note 28.

22. This chapter became Book II, chap. iv, of the final version. The deletion of the first paragraph was probably necessary because the last paragraphs of the preceding chapter of the *Geneva Manuscript* had also been cut. But this change did obscure the link between Rousseau's "general will" and the traditional concepts of the "common good" or "common interest."

23. This sentence, like most of Rousseau's explicit references to the distinction between "strict right" and what is "appropriate" or "convenient," was deleted in the final version. See Introduction, pp. xx–xxii.

24. Only the last paragraph of this chapter found its way into the final version of the *Social Contract*, serving as the conclusion of Book II, chap. vi. Most of the third paragraph, however, is used in *Political Economy* (*Collected Writings*, III, 145–146). On the possible reason for Rousseau's deletion of the paragraph that speaks of the State as having "only an ideal and conventional existence," see *Social Contract*, editorial note 36.

25. The first two sentences of this chapter became the opening of *Social Contract*, II, vi.; the remainder, along with other explicit references to the "science of legislation" in the first draft, was deleted. Compare Masters, *Political Philosophy of Rousseau*, 305–313.

26. With the deletion of a long section (the eighth to eleventh paragraphs), this chapter was used as Book II, chap. vii, of the final version. The deleted material refers to the nature of laws, rather than the legislator per se, and thus might well have struck Rousseau as redundant. In addition to the revisions described in the next two notes, Rousseau crossed out the last paragraph and a half in the *Geneva Manuscript* itself.

27. This sentence, referring to the codification of Roman law by Justinian, was deleted in the final version. Compare the fragment "On Laws" (p. 29 of this volume).

28. Rousseau here refers to two formulas of Roman law dating from the Empire: *Quod principi placuit legis habet vigorem*—"Whatever the prince wants has the power of law" (*Digest*, I.iv.1) and *Princeps legibus solutus*—"The prince is not bound by the laws" (*Digest*, I.iii.31). In the final version, Rousseau deleted this reference, instead citing the practice of Roman Decemvirs: *Social Contract*, II, vii, and editorial note 56.

29. This chapter was divided into three, becoming *Social Contract*, II, viii–x. On the distinction between "right" and "expedience," which was deleted from the final version, see Introduction, pp. xx–xxii. Rousseau also deleted several other passages in revising the text.

30. This paragraph was placed in Book III, chap. vi, of the final version. Rousseau's argument could be taken as a rejection of Plato's conception of philosophic rulers. Compare *Republic*, IX, 591c–592b.

31. Although this paragraph as written was deleted from the final version, see *Social Contract*, III, xii–xiii.

32. This paragraph and the three following ones were deleted from the definitive text, doubtless because Rousseau himself found them "repetitious."

33. The first through third and seventh through eleventh paragraphs of this chapter were used in *Social Contract*, II, v. The remainder—including Rousseau's interesting discussion of natural law at the end—was deleted.

34. The rest of this chapter of the *Geneva Manuscript* was not used in the final version, perhaps because the discussion is so closely related to the rejection of Diderot's "general society" (*Geneva Manuscript*, I, ii), which was also cut. It is, nonetheless, a very interesting statement, again emphasizing Rousseau's historical interpretation of the foundation of ethical principles. Whereas the tradition speaks of "natural law," therefore, Rousseau speaks of "the rules of rational natural right, different from natural right properly so called." Another conceivable

reason for deleting this discussion, however, might have been the dangerous implications if an unscrupulous politician read such statements as: "the law comes before justice," and "there are a thousand cases when it is an act of justice to harm one's neighbor." Compare *Social Contract*, editorial notes 3, 17, 36, and 52.

35. In using the French word *civilité*, Rousseau obviously wants to refer to the ancient *Cité* (Greek *polis*) rather than modern "politeness." Compare Diderot's article *Cité* for Volume III of the *Encyclopedia* (in *Diderot, Political Writings*, ed. Mason and Wokler, 12–14) as well as editorial notes 32 and 104 to the *Social Contract*.

36. *Cuique suum*—"to each his own." For Rousseau, the historical origin of human concepts of justice makes it impossible to base either civil rights or ethics directly on the presumed "natural rights" of individuals. As a result, Rousseau bases private property, civil freedom, and the moral duties of civilized individuals on a rational discovery of "the greatest good of all" rather than on "the private relations between one man and another" (next paragraph). Although it is explicitly an attack on Hobbes, it is interesting to wonder whether knowledge of this passage would have influenced Kant.

37. This chapter was used, with the deletion of the third and fourth paragraphs, as Book II, chap. xii, of the final version. The reference to what the Romans called "laws of majesty" in the third paragraph makes it likely, however, that from the first Rousseau included an extensive study of Rome in the *Social Contract*. Compare Pléiade, III, 1495, and *Social Contract*, editorial note 120.

38. This chapter became *Social Contract*, II, xi. The third paragraph was written at the bottom of a page, without an indication of its location in the text; it has been inserted at the point where it was used in the final version (Vaughan, I, 497).

39. Only a short fragment of the beginning of Book III is found in the *Geneva Manuscript*, which breaks off at this point. For a detailed description of the manuscript itself, as well as hypotheses on its exact date, see Vaughan, I, 434–435, and Pléiade, III, lxxxii–xc.

40. This note was suppressed in the final version. Montesquieu had contrasted "*La puissance législative*" and "*la puissance exécutrice*" (*Esprit des lois*, XI, vi), as Derathé points out in his note to the *Geneva Manuscript* (Pléiade, III, 1426–1427). Rousseau thus sought to correct a grammatical anomaly by proposing more consistent terminology. In the final version, however, he uses the form here rejected: "*La puissance exécutive ne peut appartenir à la généralité, comme Législatrice ou Souveraine.*"—"executive power cannot belong to the general public in its legislator's or sovereign capacity." *Social Contract*, III, i.

41. Unlike the manuscript up to the beginning of Book III, which is "written in Rousseau's fairest hand," the chapter "On Civil Religion"—which became *Social Contract*, IV, viii—is "scribbled, in a hand often almost indecipherable" on the back of pages 46–51. Hence, whereas the rest of the *Geneva Manuscript* is apparently written out carefully as if for the printer, this material is clearly Rousseau's own first draft. Based on inferences from Rousseau's correspondence with his publisher Rey, it is probable that the chapter "On Civil Religion" was written in 1761 (Vaughan, I, 434–435; Pléiade, III, lxxxii–lxxxiii; *Confessions*, X [Pléiade,

I, 560]). In any event, there are numerous differences between this preliminary sketch and the definitive text of *Social Contract*, IV, viii.

42. This note reflects Rousseau's outrage at the condition of his fellow Protestants under the laws of France. An edict of May 14, 1724, forbade Protestants to have their marriages blessed and children baptized by Catholic clergy and prohibited them from leaving the country to get married or from sending their children abroad. These provisions thus extended the official intolerance toward Protestants—which had become royal policy since the revocation of the Edict of Nantes; as a result, it was technically impossible for a French Protestant to have legitimate children and hence to transmit property to his offspring (see Pléiade, III, 1430). This draft was apparently intended to influence the trial of four Protestants in Toulouse; after the accused were executed in February 1762, Rousseau wrote his publisher: "I have deleted the last note, which has become useless now that the fate of our unfortunates has been decided, and concerning which you would perhaps have been given more difficulty [by the censors] than for all the rest of the book. For this note, I have substituted another one which is just as good, and is better directed to the root of the evil." (Letter to Rey, March 11, 1762, cited Pléiade, III, 1506). The replacement, now found in IV, viii, was in turn deleted from the first edition by an anxious Rousseau, afraid of religious persecution.

EDITORS' NOTES TO *Social Contract*

1. Rousseau carefully chose both his title and subtitle, as is proven by the hesitations on the first draft: see *Geneva Manuscript*, editorial note 1. On the meaning of the terms he finally chose, see Introduction, pp. xv–xvii. Roger D. Masters, *Political Philosophy of Rousseau* (Princeton, N. J.: Princeton University Press, 1968), 259–293; and Robert Derathé, *Jean-Jacques Rousseau et la Science politique de son temps* (Paris: Presses Universitaires de France, 1950).

2. Although Rousseau technically lost his citizenship when he converted to Catholicism after running away from Geneva at the age of sixteen, it was officially restored in 1754: *Confessions*, VIII (Pléiade, I, 392–393). Rousseau, however, only added *Citoyen de Genève* to the title pages of those "works that I believe will do honor" to Geneva: *Julie, ou la Nouvelle Héloïse*, Seconde Préface (Pléiade, II, 27).

3. "In an equitable federation, we will make laws." Virgil, *Aeneid* xi. 321. Rousseau chose his epigraphs with care because he considered such liminary quotations to symbolize an entire work: *Rousseau Judge of Jean-Jacques*, Dialogue III (*Collected Writings*, I, 218), and Masters, *Political Philosophy of Rousseau*, 15, n. 56. In this case, he seems to have chosen a classic example of a social contract, as if according to Virgil's poem Rome was founded by free consent. In context, however, the line comes from a speech by the King of Latium, whose army has just been defeated by the Trojans under Aeneas. A new Trojan attack interrupts the assembly, and the victorious Aeneas founds Rome on the "right of the strongest." Compare *Second Discourse*, Part 2 (*Collected Writings*, III, 52–54), *Social Contract*, IV, iv, note, and *Geneva Manuscript*, I, ii (above, pp. 80–81): in *fact*, political society rests on violence and deceit, whereas the social contract is a matter of *right*. As Rousseau

put it in the *Geneva Manuscript*, I, v: "I seek right and reason, and do not argue over facts."

4. Rousseau's description of the origin of this project is worth citing at length: "Of the various writings I had in progress [in 1756, when Rousseau left Paris to live in the country house of Mme d'Epinay], the one which I meditated about for the longest time, which I attended to with the most relish, which I wanted to work on for my whole life, and which in my opinion ought to put the seal on my reputation was my *Institutions Politiques*. I had conceived its first idea thirteen or fourteen years before, when—being in Venice [as Secretary to the Comte de Montaigu, French Ambassador, in 1743–1744]—I had had some occasion to notice the flaws of that so vaunted Government. Since then, my views had been much more extended by means of historical study of morality. I had seen that everything depends radically on politics, and that from whatever aspect one considered it, no people ever would be anything other than what it was made into by the nature of its Government; thus this great question of the best possible Government appeared to me to be reduced to this one. What is the nature of Government suited to forming a people that was the most virtuous, the most enlightened, most wise, in sum the best, taking this word in its most extended sense. I had believed I had seen that this question depended very closely on this other one, if it even differs from it: What is the Government which by its nature keeps itself closest to the law? From that, what is the law? and a chain of questions of that importance. I saw that all this was leading me to great truths, useful to the happiness of the human race, but above all to that of my fatherland." *Confessions*, VIII (Pléiade, I, 404–405). Rousseau goes on to say that, "although I had been laboring on that work for five or six years already, it was still barely advanced" (ibid.). This corresponds well with Rousseau's letter to Moultou of January 18, 1762: "I should tell you that I am having printed in Holland a small work that is entitled *Du Contrat social ou Principes du droit politique*, which is extracted from a larger work, entitled *Institutions politiques*, started ten years ago and abandoned as I cease writing, and in any event an enterprise that was certainly beyond my strength" (Pléiade, III, 1431). Rousseau thus started serious work on his *Political Institutions* around 1751 but only made major headway with it after 1756. Despite Rousseau's "Foreword," some fragments from his original project seem to have survived, notably *Etat de guerre* ("That the State of War is born from the Social State"—Vaughan I, 293–307, or Pléiade, III, 601–616) and many of the fragments contained in this volume.

5. The duality of Rousseau's perception of the problem of political theory deserves emphasis: "men as they are" have concerns of "interest" or "utility" which "prescribe" limits to a solution, whereas "laws as they can be" depend on considerations of "right" and "justice" which "permit"—but only permit—of legitimacy. In other words, Rousseau will try to adjust "right" and "justice" to the necessary demands of self-interest. Compare *Geneva Manuscript*, I, ii.

6. This passage is probably a veiled criticism of King Frederick the Great of Prussia who had published a book entitled *Anti-Machiavel*: see Masters, *Political Philosophy of Rousseau*, 306–309. Rousseau is also insisting that citizens have the right of free discussion of political matters.

7. Compare *Political Economy* (*Collected Writings*, III, 161). Despite this praise, Rousseau's ambivalent attitude toward his native Geneva has been noted (Introduction, note 27 and references there cited). This ambivalence is not, however, merely a logical contradiction. Since Geneva's republican regime is superior to monarchies, it deserves to be a model for French readers; for Genevan readers, in contrast, the issue is the extent to which one can slow down the inevitable decline of all governments toward despotism. Compare *Letter to d'Alembert* (ed. Bloom, 17–18, 58–65, 92–123) and *Letter to Philopolis* (*Collected Writings*, III, 127–32) with *Social Contract*, III, x.

8. This chapter is a revised version of the first two paragraphs of *Geneva Manuscript*, I, iii (p. 82). For an explanation of the apparently awkward translation of this famous sentence, see Introduction, pp. xii–xv. The next sentence deserves particular attention, because it denounces all forms of personal power and authority. As Rousseau says elsewhere: "Freedom (*la liberté*) does not consist as much in acting according to one's own will as in not being subjected to the will of anyone else; it also consists in not subjecting the will of another to our own. Whoever is master cannot be free, and to rule is to obey." *Lettres écrites de la montagne*, VIII (Pléiade, III, 841, 1434). Cf. Hegel's striking analysis of "Lordship and Bondage" in *Phenomenology of Mind* (ed. Baillie [London: George Allen & Unwin, 1931], 229–240). According to one of Rousseau's fragments, in "the relation of master and slave" both participants are "always in a state of war" (Vaughan, I, 310, or Pléiade, III, 615). On the remainder of this paragraph, see also editorial note 15 to the *Geneva Manuscript*.

9. This chapter was added when Rousseau reorganized Book I, putting his rejection of alternative definitions of the "social bond" before his own principles (whereas in the *Geneva Manuscript* most of this material was in I, v—after the presentation of the "general will" in I, iii–v). Because the passage of the *Geneva Manuscript*, I, v, which rejects paternal authority as the source of political power had been used in *Political Economy*, presumably Rousseau decided to write a new discussion. The first sentence appears to reflect a shift from the argument of the *Second Discourse*, which treats "the establishment of the family" as the result of a "first revolution" changing man's isolation in the pure state of nature: see Part 1 (*Collected Writings*, III, 38–40), Part 2 (45–46), and note *10 (86–90). Compare, however, the *Essay on the Origin of Languages*, chapter ix: "In the first times, men, scattered over the face of the earth, had no society but that of the family, no laws but those of nature, no language but that of gesture and some inarticulate sounds. They were not bound by any idea of common fraternity and, having no other arbiter than force, they believed themselves to be one another's enemies." On the status of the family in the state of nature, see Masters, *Political Philosophy of Rousseau*, 125–136.

10. In the margin of his copy of the *Social Contract*, Voltaire wrote: "But it has to be agreed that this convention is indicated by nature" (ed. de Jouvenel, 175). Rousseau follows Locke's argument in the *Second Treatise of Civil Government*, vi, especially § 55, 61–71 (ed. P. Laslett [Cambridge, Eng.: Cambridge University Press, 1963] 322–323, 326–332). See also *Second Discourse*, Part 2 (*Collected Writings*, III, 57–58) and *Geneva Manuscript*, I, v (89–91—used with revisions in *Political*

Economy (*Collected Writings*, III, 140–141). On the relationship between paternal and political authority, compare Plato, *Statesman*, 258c, 259c, 276c–e, 287c–291c; Aristotle, *Politics*, I.i. 1252a (ed. E. Barker [Oxford: Clarendon Press, 1952], 1); and Jean Bodin, *Six livres de la République*, I, ii (cited Pléiade, III, 1434).

11. "It is not true, generally and without restriction, that all power is established in favor of those who are governed. There are powers which, by themselves, are established in favor of the one who governs, such as the power of a master over his slave." Grotius, *Droit de la guerre et de la paix*, I, iii, § 8 (trad. Barbeyrac—cited in Pléiade, III, 1435). Compare the dialogue between Thrasymachus and Socrates in Plato's *Republic*, 338a–354c (ed. A. Bloom [New York: Basic Books, 1968], 15–34).

12. In the first edition, the author was indicated only by the initials "M. L. M. d'A." This treatise, which Rousseau cited in 1762 from a manuscript, was subsequently published by Rey in 1764 under the title *Considérations sur le gouvernement ancien et présent de la France*; in the 1782 edition of the *Social Contract*, based on Rousseau's emendations, d'Argenson's name is spelled out. On the possible significance of this work, see Rousseau's fifth note to Book IV, chap. viii, and Masters, *Political Philosophy of Rousseau*, 307–309. Note that whereas Grotius supposedly tries to "establish right by fact," for Rousseau the necessary procedure is to "test facts by right": *Second Discourse*, Part 2 (*Collected Writings*, III, 58). "Let the reader remember that here it is less a question of history and facts than of right and justice." *Etat de guerre* (Pléiade, III, 603).

13. Rousseau seems to refer to Hobbes's argument that "whatsoever he [the sovereign] doth, it can be no injury to any of his subjects; nor ought he to be by any of them accused of injustice." Thomas Hobbes, *Leviathan*, II, xviii (ed. M. Oakeshott [Oxford: Blackwell, 1960]) 115. For the origin of the comparison between a leader and a shepherd, see Thrasymachus' speech in Plato's *Republic*, I. 343a–344c (ed. Bloom, 21–22).

14. For the source of Rousseau's reference to Philo (*De Legatione ad Caium*), see Pléiade, III, 1435. Aristotle, in *Politics*, I.ii. 1252a, argues that "the element which is able, by virtue of its intelligence, to exercise forethought, is naturally a ruling and master element; the element which is able, by virtue of its bodily power, to do what the other element plans, is a ruled element, which is naturally in a state of slavery" (ed. Barker, 3). Note, however, that Aristotle—unlike Thrasymachus or Grotius—immediately adds: "and master and slave have accordingly a common interest" (ibid.). See also *Politics*, I.v–vi. 1254a–1254b (ed. Barker, 11–17).

15. This short dialogue in Plutarch's *Moralia* is worth reading: in reply to Ulysses' request that the Greeks turned into animals be released in human form, Circe asks him to persuade one of them, named Gryllus, that this would be desirable. Gryllus then explains why "man is the most miserable and most calamitous animal in the world," whereas "the soul of animals is better disposed and more perfect for producing virtue, since without being forced, or commanded, or taught . . . it produces and nourishes the virtue which, according to nature, suits each one." Hence, instead of proving that slavery is unnatural—as the text leads one to expect—Plutarch's dialogue suggests that human *civilization* is unnatural and corrupt; indirectly, the citation thus echoes the central theme of the

Second Discourse (*Collected Writings*, III, 181, n. 26) Rousseau probably consulted the French translation by Jacques Amyot: *Oeuvres morales et meslées de Plutarque* (Geneva: Jacob Stoer, 1627), 273–276.

16. Rousseau thus rejects with irony Filmer's argument for "the natural power of kings"; compare Locke, *First Treatise of Government*, especially xi, § 111 (ed. Laslett, 239–240).

17. Like the preceding chapter, this one was newly written for the final version. Rousseau's insistence that "might does not make right" deserves more emphasis than it is usually given, since it means that "legitimate authority" must be freely accepted "in *conscience*" even by those who are being punished for violating the rules. See editorial note 37. The second sentence contains an untranslatable play on words: when Rousseau speaks of the "right of the strongest" as a right that is "*réellement établi en principe*," he could mean either that this right is "*in principle* really established" in the works of political theorists like Grotius or Hobbes, or that this right was "really established *in the beginning*" (i.e., that human history was originally based only on the right of the strongest). Compare *Geneva Manuscript*, I, ii; *Essay on the Origin of Languages*, chapter ix; *Second Discourse*, Part 1 (*Collected Writings*, III, 41), Part 2 (65), and note *12 (91–92).

18. Compare St. Paul's *Letter to the Romans*, xiii, 1–2: "You must all obey the governing authorities. Since all government comes from God, the civil authorities were appointed by God, and so anyone who resists authority is rebelling against God's decision, and such an act is bound to be punished." *Jerusalem Bible* (Garden City, N.Y.: Doubleday, 1971), 209.

19. With the exception of the sixth paragraph (largely from *Geneva Manuscript*, I, v), this chapter was also written anew for the final version. See the fifth fragment at the end of the *Geneva Manuscript*, used in the eleventh paragraph. The argument of the chapter as a whole, however, echoes the fragment originally titled, "That the State of War is born from the Social State"—usually called *Etat de guerre* (Pléiade, III, 601). This fragment is of interest because it is an attack on the "horrible system of Hobbes" (Pléiade, III, 610), whereas the final version of the *Social Contract* criticizes "Grotius and others." Although the shift may be related to Rousseau's qualified praise of Hobbes in Book IV, chap. viii, the central thrust remains hostile to the Hobbesian version of the social compact.

20. Rousseau paraphrases Grotius, *Droit de la guerre et de la paix*, I, iii. § 8 (trans. Barbeyrac), cited in Pléiade, III, 1438.

21. Homer, *Odyssey*, IX. 216–436. Compare *Etat de guerre*, where Rousseau first uses this example: "I open the books on right and morality, I listen to the scholars and jurists and, touched by their insinuating discourses, I admire the peace and justice established by the civil order, I bless the wisdom of public institutions, and I console myself for being a man by seeing myself as a citizen. Well taught concerning my duties and my happiness, I close the book, leave the classroom, and look around me. I see unfortunate peoples groaning under an iron yoke, the human race crushed by a handful of oppressors, a starving crowd worn out by difficulty and hunger whose blood and tears the rich drink in peace, and everywhere the strong armed against the weak with the fearsome power of the laws. All that is done peacefully and without resistance; it is the tranquillity of Ulysses'

companions trapped in the Cyclop's cave, waiting to be devoured" (Pléiade, III, 608–609). Rousseau emphatically denies Hobbes's argument that it is rational to abandon one's natural freedom to enter any society as long as it is peaceful and quiet. Compare *Leviathan*, II, xviii (ed. Oakeshott, 120), and Locke, *Second Treatise*, xix, § 228 (ed. Laslett, 434–435).

22. Compare *Second Discourse*, Part 2 (*Collected Writings*, III, 57–59). The remainder of this paragraph is taken from *Geneva Manuscript*, I, v, tenth paragraph.

23. For the relevant passages, see Grotius, *Droit de la guerre et de la paix*, II, v, § 27, and Pufendorf, *Droit de la nature et des gens* VI, iii, § 5 (cited in Pléiade, III, 1438). See also Hobbes's notion of a "commonwealth by acquisition," *Leviathan*, II, xx (ed. Oakeshott, especially 132–133).

24. For the original draft of this paragraph, see *Etat de guerre* (Pléiade, III, 602–603). The technical point, as this fragment had stressed, is that a state of war in any juridical or "rational" sense can only exist between "the moral beings" known as States, not between individuals (as in Hobbes's state of nature). As Rousseau puts it in *Geneva Manuscript*, I, v, the "state of war" presupposes a "free and voluntary convention."

25. This note was added by Rousseau and first published in the edition of 1782, in which the word "better" was inadvertantly omitted from the first sentence.

26. For the rest of this paragraph up to the last sentence, see the fifth fragment at the end of the *Geneva Manuscript*. Rousseau's argument rests on what he called "fundamental distinctions" in *Etat de Guerre*: "if things are only considered according to the strict interpretation of the social pact, the land, money, men, and all that is comprised within the boundaries of the state belong to it without reserve. But since the rights of society, founded on those of nature, cannot annihilate them, all these objects should be considered in a double relationship: namely, the soil as public territory and as individuals' patrimony, goods as belonging in one sense to the sovereign and in another to the property owners, the inhabitants as citizens and as men. At bottom, since the body politic is only a moral person, it is only a being of reason. Remove the public convention, at that instant the State is destroyed without the slightest alteration in everything that composes it; and all the conventions of men could never change anything in the nature of things" (Pléiade, III, 608). Compare Montesquieu, *Esprit des lois*, X, iii, and XV, ii.

27. Again, this chapter was newly written for the final version; however, compare *Geneva Manuscript*, I, v.

28. In addition to Grotius (see editorial note 20 above), this passage criticizes Hobbes, who admits that each individual has "tacitly covenanted" to accept a majority vote before the assembly "hath by consenting voices declared a sovereign" *Leviathan*, II, xviii (ed. Oakeshott, 115). Rousseau insists that the "true basis of society" is Hobbes's "tacit covenant," whereas Hobbes had treated the subsequent election of the sovereign or ruler as the social contract. In other words, Rousseau's definition of the social contract can be treated as the logic that leads any assembly to accept the principle of majority rule.

29. This chapter is revised from second through fourth paragraphs of *Geneva Manuscript*, I, iii, which became the first two and last two paragraphs of the final version. Note that from the outset, Rousseau treats the problem of social obligations in terms of Newtonian mechanics ("forces," "resistance," "obstacles," etc.).

Compare the image of the "general will" as a "frictionless surface" in *Geneva Manuscript*, I, iv, and Introduction, p. xxi, as well as the repeated references to "springs," "levers," and other mechanistic analogies in the final text.

30. This paragraph, added in the final version, implies that Rousseau's definition of the social contract is analogous to the law of gravity. "Everywhere the same," even if "never" stated, like Newton's law, Rousseau's principle is also self-enforcing: if "the social contract is violated," it follows immediately that "each man recovers his original rights and resumes his natural freedom." Compare the passage of *Etat de guerre* cited in editorial note 26: because the social contract establishes a psychological or rational commitment to live as a community, the sovereign is only a "moral" body and can be destroyed without touching the physical or natural existence of the men and objects comprising it. See also the "important proposition" in the first paragraph of *Geneva Manuscript*, I, iv, and *Social Contract*, editorial notes 35 and 36.

31. These additions to the first draft emphasize the importance of avoiding any form of personal dependence. As Rousseau says in *Emile*, II: "There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices, and by it the master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is to substitute law for man, and to arm the general wills with a real strength superior to the action of every particular will. If the laws of nations could like those of nature have an inflexibility that no human force could ever conquer, dependence on men would then become dependence on things again; in the republic all the advantages of the natural state would be united with those of the civil state, and freedom, which keeps man exempt from vices would be joined to morality which raises him to virtue" (Pléiade, IV, 311; ed. Bloom, 55). That this passage relates to the *Social Contract* is proven by a note appended at the word "disordered": "In my *Principles of Political Right*, it is demonstrated that no particular will can be ordered in the social system" (ibid.). For a particularly insightful study of the attitudes that led Rousseau to detest dependence on other individuals, see Judith N. Shklar, "Rousseau's Images of Authority," in *Hobbes and Rousseau*, ed. Maurice Cranston and Richard S. Peters (Garden City, N.Y.: Anchor Books, 1972), 333–365.

32. Rousseau refers to the early editions of Bodin's *Les Six livres de la République*, I, vi, and to d'Alembert's *Geneva* in Volume VII of the *Encyclopédie* (both cited in Pléiade, III, 1446, 1448). Note that Rousseau's terminology takes the ancient *polis* or city (in contemporary terms, "city-state") as the norm. Compare Diderot's articles *Cité* and *Citoyen* in Volume III of the *Encyclopedia* (1753), *Diderot: Political Writings*, ed. Mason and Wokler, 12–17. The resulting rehabilitation of the word "citizen" was to have profound effects during the French Revolution. Compare *Emile*, IV: "As if there were citizens who were not members of the city, and who did not as such have a part in the sovereign authority. But the French, having judged it suitable to usurp the respectable name of citizens, a name formerly merited by the members of the Gallic cities—have denatured the idea of citizenship to the point where one no longer has any conception of it" (Pléiade,

IV, 664, note; ed. Bloom, 337). Although the word "bourgeois" has taken on a Marxist class connotation not intended by Rousseau, it will be used to translate the French "*bourgeois*."

33. This chapter is taken over, with some additions and deletions, from *Geneva Manuscript*, I, iii, fifth through seventh paragraphs.

34. This paragraph, an addition to the first draft, could be read as an assertion of the territorial and social inviolability of the modern nation-state. Compare Alfred Cobban, *Rousseau and the Modern State* (London: George Allen & Unwin, 1934).

35. These two sentences, added to the first draft, emphasize the extent to which the "body politic" is a "moral person" or "being of reason." See Introduction, pp. xvi–xxvi, and *Social Contract*, editorial note 26.

36. Note that as the state *is* a "moral person" and thus, in a sense, "a being produced by reason," Rousseau's principles of political right could increase injustice if they are taught to selfish or corrupted men. "The democratic constitution is certainly the masterpiece of political art: but the more admirable its artifice, the less it belongs to all eyes to penetrate it." *Lettres écrites de la montagne*, VIII (Pléiade, III, 838). Compare *First Discourse*, Part 2 (*Collected Writings*, II, 21–22).

37. The last phrase seems a puzzling contradiction in terms and has led some to call Rousseau a "totalitarian": for example, J. L. Talmon, *The Origins of Totalitarian Democracy* (New York: Praeger, 1960), 38–49; Lester G. Crocker, "Rousseau et la voie du totalitarisme," *Rousseau et la Philosophie Politique* (Paris: Presses Universitaires de France, 1965), 99–136. In context, however, the sentence concerns the means by which each individual can have an obligation, in *conscience*, to obey the laws he has previously enacted. Rousseau applied precisely this reasoning in defending his works against the charges brought by the Magistrates of Geneva: "an accuser must convince the accused before the judge. To be treated as a wrongdoer, it is necessary that I be convinced of being one." *Lettres écrites de la montagne*, I (Pléiade, III, 693). For a brilliant psychological analysis of the phrase "forced to be free," see John Plamenatz, "Ce qui ne signifie autre chose sinon qu'on le forcera d'être libre," in *Hobbes and Rousseau*, ed. Cranston and Peters, 318–332. That the passage concerns the conscience of the individual was made clear by the deleted sentence concerning "the oath" and each man's "inner maxims," which comes after the words "vain formula" in *Geneva Manuscript*, I, iii. See also the third paragraph of *Geneva Manuscript*, I, vii, which reappears in *Political Economy* (*Collected Writings*, III, 145–146). On Rousseau's definition of freedom, see *Social Contract*, editorial note 8.

38. The first two paragraphs of this chapter come from *Geneva Manuscript*, I, iii, eighth and ninth paragraphs. Although Rousseau praises civil society, his pessimistic view of history leads to a strong qualification: "if the abuses of this new condition did not often degrade him beneath the condition from which he emerged." Compare *Second Discourse*, especially note *8 (*Collected Writings*, III, 80–86); *Emile*, II (cited in *Social Contract*, editorial note 31), and Introduction, pp. xii–xv. The last paragraph of this chapter, an addition to the first draft, clearly refers to *Emile* as the work in which Rousseau "said too much" about the "philosophic meaning of the word *freedom*."

39. This chapter is a revised version of the last five paragraphs of *Geneva Manuscript*, I, iii; the second paragraph is added; and the third and fourth come from *Geneva Manuscript*, I, v (ninth and eighth paragraphs respectively). On the relation of the "right of the strongest," "the right of the first occupant," and the "right of property," see also *Second Discourse*, Part 2 (*Collected Writings*, III, 50–54). Rousseau's principles are quite consciously critical of European colonial policies, as was particularly clear in the first draft; see Rousseau's note to *Geneva Manuscript*, I, v (eighth paragraph).

40. Compare *Emile*, IV: "The universal spirit of the laws of every country is always to favor the strong against the weak and these who have against those who have not. This inconvenience is inevitable, and it is without exception" (Pléiade, IV, 524, note; ed. Bloom, 236). On the difference in tone between *Emile* and *Social Contract*, see Introduction, p. xii–xv.

41. The original draft of this chapter—*Geneva Manuscript*, I, iv—was heavily revised when Rousseau reworked it. This sentence shows clearly, however, that the concept of the "general will" was from the first a voluntaristic equivalent of the traditional concept of the "common good." Compare *Geneva Manuscript*, editorial note 22.

42. This chapter and the next were added when Rousseau revised the *Geneva Manuscript*. Many commentators have assumed that Rousseau criticizes Montesquieu when arguing that sovereignty is "indivisible," but Derathé suggests that the chapter is a refutation of Hobbes, Pufendorf, Burlamaqui, and other theorists of "political right" (Pléiade, III, 1453). The last sentence of this chapter is a variant of *Etat de guerre* (Pléiade, III, 609).

43. See *Social Contract*, II, vi. It follows, for Rousseau, that concerns of foreign affairs or "national security" cannot justify violation of the laws. Compare Locke, *Second Treatise*, xii, § 145–148, and xiv, especially § 160 (ed. Laslett, 384, 393).

44. Marquis d'Argenson, *Considérations sur le gouvernement ancien et présent de la France*, ii, 26–27 (see editorial note 12). In Rey's edition, d'Argenson's text reads "by *a reason opposed* to the interest" (*par une raison opposée*), whereas Rousseau's citation says "in opposition to the interest" (*par opposition*): Masters, *Political Philosophy of Rousseau*, 308, n. 28. The sentence to which this note is appended presumes that in any society, private interests necessarily conflict: "in the social state, the good of one man necessarily produces the ill of another. This relation is in the nature of the thing, and nothing could possibly change it." *Emile*, II (Pléiade, IV, 340, note). In terms of contemporary game theory, Rousseau asserts that private interests represent a "zero-sum" game. Because the "will of all" appears as a synonym for the "general will" in *Geneva Manuscript*, I, vii (p. 99)—a passage that reappears in *Political Economy* (*Collected Writings*, III, 145–146)—Rousseau's distinction between these terms may date from his final revision of the manuscript: compare Masters, *Political Philosophy of Rousseau*, 325–327; *Geneva Manuscript*, I, iv, and *Political Economy* (*Collected Writings*, III, 147–148).

45. "It is true that some divisions are harmful to republics and some are helpful. Those are harmful that are accompanied by sects and partisans; those are helpful that are maintained without sects and partisans. Thus since a founder of a republic cannot provide that there be no enmities in it, he has to provide at least that

there not be sects." Machiavelli, *History of Florence* VII, i (Princeton, N.J.: Princeton University Press, 1988), 276–277. For Rousseau's generally favorable attitude toward Machiavelli, see *Social Contract*, III, vi, especially the first note. Rousseau's citation reinforces the interpretation of the "general will" as an ideal that cannot be perfectly realized in practice, as Machiavelli says in the sentence preceding the quotation: "those who think a republic may be kept in perfect unity of purpose are greatly deceived." It must be added that Machiavelli's text apparently makes a subtle distinction between "*sette*" ("sects") and "*partigiani*" ("parties"): whereas "sects" are always harmful, "parties" are harmful if accompanied by "sects," but apparently need not themselves be forbidden by the "founder of a republic." Compare Machiavelli's *Discourses on Titus Livy*, I, iv (ed. Crick [Baltimore: Penguin, 1970], 113–115), according to which the Roman Republic was based on the rivalry between plebs and patricians, with the next editorial note.

46. This criticism of "partial societies" has often been cited as an indication of Rousseau's hostility to pluralist democracy and political practice; some even speak of "totalitarianism" in this regard (ed. Watkins, xxx; Vaughan, I, 60). But in reading this passage, one must take into account Rousseau's definition of a "partial society" as a group with a "corporate will": see the group theory of politics spelled out in *Political Economy* (*Collected Writings*, III, 143–144) and discussed in the Introduction, pp. xxiii–xxv. The right to vote in secret, without others watching how the ballot is marked, is based on reasoning like that of Rousseau; expecting "partial societies" in every community, Rousseau's principles are particularly opposed to a single-party system—and oriented to a multiplicity of groups and/or parties, none of which can claim to rule in its own name. Note that although Sparta was "unique and sublime," it was Rome, whose laws were formed by Numa and revised by Servius, that Rousseau calls "the best government that ever existed." *Lettres écrites de la montagne*, I, vii (Pléiade, III, 809). See the comparison between Sparta and Rome in Political Fragment XII, 2 (p. 62–63 of this volume).

47. For the first draft, see *Geneva Manuscript*, I, vi, entitled "On the Respective Rights of the Sovereign and the Citizen." Because this chapter was carried over to the final version with relatively few changes, it would seem to reflect an important statement of Rousseau's principles. For that very reason, the modifications of the text are of exceptional importance.

48. "I have a hundred times in writing made this reflection that it is impossible in a long work always to give the same meanings to the same words. There is no language rich enough to furnish as many terms, turns and phrases as our ideas can have modifications. . . . In spite of that, I am persuaded that one can be clear, even in the poverty of our language, not by always giving the same meaning to the same words, but arranging it so that as often as each word is used, the meaning given it be sufficiently determined by the ideas related to it" *Emile*, II (Pléiade, IV, 345, note; ed. Bloom, 108).

49. The last clause was added to the final version. Although it appears to be "collectivist" in tone, Rousseau was concerned by the danger of an individual who sought the protection and benefits of civil society without paying his share of the costs. As he put it in *Geneva Manuscript*, I, ii (79): "private interest and the general good . . . are mutually exclusive in the natural order of things, and

social laws are a yoke that each wants to impose on the other without having to bear himself." In the first draft, Rousseau wrote that the "life and existence" of citizens as "private persons" are "naturally independent" of the "public person" (p. 95); in the final version, he changed the phrase to read "life and *freedom*" of "private persons," thus emphasizing "the natural right which they ought to enjoy in their quality as men." Rousseau constantly tries to balance the claims of the individual and of society. Compare Rousseau's "fundamental distinctions," cited in *Social Contract*, editorial note 26.

50. "This chapter was added in the final version. Although it could be viewed as a gloss on the famous phrase discussed in editorial note 37, Rousseau also presents a criticism of Hobbesian principles. According to *Leviathan*, I, xiv: "a man cannot lay down the right of resisting them, that assault him by force, to take away his life. . . . The same may be said of wounds, and chains, and imprisonment." As a result, for Hobbes the right of self-preservation is inalienable. "If the sovereign command a man, though justly condemned . . . not to resist those who assault him . . . yet hath that man liberty to disobey" (ibid., I, xxi). Moreover, Hobbes's principle gives rise to a possible claim against military service: "Upon this ground, a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse, without injustice" (ibid.). Because Rousseau seeks to found a rational theory of obedience, he rejects Hobbes's view that an individual could judge of whether or not he has the "liberty to disobey" after having been "justly condemned," or whether he can "refuse, without injustice" to "fight against the enemy." Compare ibid., II, xxix.

51. The first paragraph of this chapter is taken from *Geneva Manuscript*, II, i; second through eighth paragraphs from *Geneva Manuscript*, II, iv (first through third and seventh through eleventh paragraphs); and the last paragraph from *Geneva Manuscript*, I, vii (fourth paragraph). The next to last paragraph, containing the radical equation of "every legitimate government" with a "republic," is the only entirely new text in the chapter. Although this reorganization removes redundancies in the first draft, note the treatment of natural law that was thereby deleted: *Geneva Manuscript*, II, iv (twelfth through seventeenth paragraphs) and editorial notes 34 and 36 thereto.

52. The first draft of this sentence reads: "emanating from reason alone *and founded on the simple right of humanity*" (*Geneva Manuscript*, II, iv, 111). The italicized words, deleted in the final version, make it clear that Rousseau is speaking about the kind of natural law or "law of reason" that he rejected in *Geneva Manuscript*, I, ii. Although politically impotent, Rousseau never denied the existence of such rational "laws of justice"; far from being ironic, the phrase "all justice comes from God" was meant very seriously. See *Emile*, IV: "Let all other men do what is good for me at their expense; let everything be related to me alone; let all mankind, if need be, die in suffering and poverty, if need be, to spare me a moment of pain or hunger. This is the inner language of every unbeliever who reasons. Yes, I shall maintain it all my life. Whoever speaks otherwise although he has said in his heart, 'There is no God,' is nothing but a liar or a fool" (Pléiade, IV, 636–637; ed. Bloom, 315).

53. For the first draft of this chapter, see *Geneva Manuscript*, II, ii, first through

fifth, seventh, and twelfth through fifteenth paragraphs. On the role of the legislator in Rousseau's political thought, see Masters, *Political Philosophy of Rousseau*, 354–368.

54. The quotation is from Montesquieu's *Considerations on the Causes of the Greatness of the Romans and Their Decline*, i (ed. D. Lowenthal [Ithaca, N.Y.: Cornell University Press, 1965], 25). For the reference to Caligula, see the passage of Philo mentioned in editorial note 14. On Plato, see *Statesman*, 1d: "the statesman . . . is much more like the man in charge of a whole herd of cows or of a stud of horses" (trans. J. B. Skemp, in *Collected Dialogues*, ed. E. Hamilton and H. Cairns [New York: Bollingen, 1961], 1025). Compare ibid., 275c (1040–1041), and *Republic*, I.343a–c.

55. Voltaire wrote in his copy: "Weak praise of a vile sectarian and absurd preacher whom you detest in your heart" (*Social Contract*, ed. de Jouvenel, 229). In effect, Rousseau later wrote: "Calvin was doubtless a great man; but after all he was a man, and what is worse a theologian: he had all the pride of the genius who is aware of his superiority, and who is indignant when anyone disagrees with him. Most of his colleagues were in the same category" *Lettres écrites de la montagne*, II (Pléiade, III, 715). In other words, Rousseau treats Calvin as a "great man" and "genius" for his role as a legislator in Geneva rather than as founder of Calvinism; compare editorial note 58.

56. Of the Decemvirs, Montesquieu says: "Ten men in the [Roman] Republic had alone all the legislative power, all the executive power, all the power of judging. Rome found itself subjected to a tyranny as cruel as that of Tarquin." *Esprit des lois*, XI, xv (in *Oeuvres complètes*, ed. Caillois [Paris: Editions de la Pléiade, 1966], II, 417–418). Compare Machiavelli, *Discourses on Titus Livy*, I, xl (ed. Crick, 210–216).

57. "Nor in fact was there ever a legislator who, in introducing extraordinary laws to a people, did not have recourse to God, for otherwise they would not be accepted, since many benefits of which a prudent man is aware, are not so evident to reason that he can convince others of them" (ibid., I, ii [ed. Crick, 141]).

58. This sentence is apparently an indirect criticism of Voltaire, whose play *Mohamet* explicitly treats the "son of Ishmael" as an "impostor" from the beginning (Act I, Scenes 1, 2 and 4) to the end (Act V, Scene 4). Compare Masters, *Political Philosophy of Rousseau*, 8, n. 23. Rousseau's view of Moses and Mohammed as legislators rather than founders of religions follows Machiavelli, *The Prince*, vi. See also the discussion of Moses in Political Fragments IV, 24–26 (this volume, pp. 33–35).

59. Rousseau refers to William Warburton, bishop of Gloucester (1698–1779), and author of *The Alliance between Church and State* (1736) and *Divine Legation of Moses* (1737–1741).

60. For the first draft of this chapter, see *Geneva Manuscript*, II, iii, second through fifth paragraphs. In the definitive text, the next to last paragraph is rewritten, and the last paragraph is new material. As Robert Derathé has noted, the addition of a criticism of Peter the Great is an indirect rejection of Voltaire's highly favorable judgment (Pléiade, III, 1466–1469).

61. Cf. Aristotle, *Politics* VII.iv.1325b-1326b. *Geneva Manuscript*, II, iii, seventh

through eleventh paragraphs, has the original version of this chapter. Note that what was the next sentence of the first draft was deleted. One explanation may be that the last paragraph of the chapter seems to refer to Republican Rome, which Montesquieu described as "in an endless and constantly violent war . . . by the very principle of its government." *Considerations on the Greatness of the Romans*, i (ed. Lowenthal, 27). Given Rousseau's praise of Rome, he may have decided that one could indeed imagine something "more foolish than the maxims of those conquering nations" for whom "the necessity of conquests was part of their constitution" (*Geneva Manuscript*, II, iii, 106, 107).

62. For the first draft of this chapter, see *Geneva Manuscript*, II, iii, fourteenth through sixteenth and twenty-first paragraphs. Rousseau's emphasis on the effects of geography, climate, and a host of other factors, although often ignored by political scientists, contrasts with the image of his political theory as abstract and unrealistic. The last paragraph, added for the final version, led an influential Corsican to ask Rousseau's opinion on a constitution for the island (which had rebelled against Genoa in 1752—but was eventually taken over by France in 1768). See *Constitutional Project for Corsica* (ed. Watkins, 277–330), and Sven Stelling-Michaud's Introduction (Pléiade, III, cxcix–ccxv).

63. For the first draft, see *Geneva Manuscript*, II, vi. The only notable change is the addition of the footnote, citing d'Argenson's *Considérations* (compare *Social Contract*, editorial note 12, and Vaughan, II, 62).

64. In the first edition, Rousseau referred to the author only by initials as "M. d'A." (see editorial notes 12, 44, and 139); the name was added throughout in the posthumous edition of 1782. Here, the published text of d'Argenson's work reads: "A branch of commerce, acquired at great expense, only secures a deceptive utility for the kingdom in general, and enriches only some towns or private individuals that are already living in abundance" (cited by Vaughan, II, 62).

65. Montesquieu had written: "Although all States have in general the same object, which is to survive, each State nonetheless has one that is particular to itself. Expansion was the object of Rome; war that of Sparta; religion that of the Jewish laws; commerce that of Marseille; public tranquillity that of the laws of China; navigation that of the laws of Rhodes; natural liberty the object of the regulations among savages; in general the delights of the prince that of monarchies; the independence of each private individual is the object of the laws of Poland, and what results from that is the oppression of all." *Esprit des lois*, XI, v (ed. Caillois, 396). Although a number of previous editors (including Derathé and Grimsley) have noted this parallel, the differences between Rousseau and Montesquieu are worth considering—especially with respect to Rome. Compare *Social Contract*, editorial note 61. Note also that Montesquieu goes on, in the immediate sequel, to speak of England as the "one nation in the world that has, as the direct object of its constitution, political liberty." Rousseau's answer is found in Book III, chap. xv.

66. Rousseau's insistence that nature is "invincible" contrasts sharply with Bacon's notion of a scientific "conquest" of nature. To be sure, Bacon insists that "Nature to be commanded must be obeyed." *New Organon*, Book I, Aphorism iii, in Francis Bacon, *A Selection of His Works*, ed. Sidney Warhaft [New York:

Odyssey, 1965], 331). But Bacon's explicit aim is to "extend more widely the limits of the power and greatness of man" (ibid., Aphorism cxvi [p. 368]). Because his definition of "the work and aim of human power" is "on a given body to generate and superinduce a new nature or new natures" (ibid., Book II, Aphorism i [p. 376]), it follows that Baconian science is conceived as a means to overcome precisely those natural features that Rousseau here describes as "invincible." Whereas Bacon praises "famous discoveries" or "inventions" as holding "by far the first place among human actions" (ibid., Book I, Aphorism cxxix [p. 372]), Rousseau is essentially hostile to technological innovation. See Rousseau's Political Fragment VIII, 1 (p. 51 of this volume). In a fundamental sense, Rousseau was the first great critic of industrial society.

67. This chapter uses the first, second, fifth, sixth, and seventh paragraphs of *Geneva Manuscript*, II, v. In the next sentence, Rousseau refers to Book III, chap. i. As Derathé points out (Pléiade, III, 1471), Rousseau goes on to modify Montesquieu's distinction between "*droit politique*" and "*droit civil*" in *Esprit des lois*, I, iii. On the importance of "morals"—the French term is *moeurs*, which means the customs, morals, and way of life of a people—which Rousseau emphasizes in the last paragraph of the chapter, see also Book IV, chap. vii (especially editorial note 125), and *Collected Writings*, II, 203–204, n. 7.

68. Because the *Geneva Manuscript* breaks off in the middle of the third paragraph of this chapter, for all practical purposes there is no preliminary version of the remainder of the text—except for one paragraph in Book III, chap. vi, and the chapter on "Civil Religion" (IV, viii). The importance Rousseau attached to Book III, chap. i, is underlined not only by his warning that the reader be "attentive," but also by the fact that its main point—the distinction between the government and the sovereign—is emphasized so strongly in *Political Economy* (*Collected Writings*, III, 142) and *Lettres écrites de la montagne*, V, VI, and VIII (Pléiade, III, 770–771, 808–809, 837–838). In the "extract of the treatise *On the Social Contract*," which Rousseau includes in *Emile*, V, he cites six paragraphs from this chapter (Pléiade, IV, 843–845; ed. Bloom, 463–464) as well as six paragraphs each from III, ii, and III, iii. One could say that the beginning of Book III is the center of Rousseau's political teaching in more ways than one.

69. The distinction between "physical" *force* (or power) and "moral" *will* (or free choice) is fundamental to the thought of Rousseau. Unlike Hobbes, who treats thought and sensation as the consequence of matter in motion (*Leviathan*, I, i–iii), Rousseau denied that "sensation" and "will" could be explained solely in materialist terms. See *Second Discourse*, Part 1 (*Collected Writings*, III, 25–26), and *Emile*, IV, notes to the "Profession of Faith" (Pléiade, IV, 574, 575, 584–585; ed. Bloom, 272, 273, 279).

70. Despite the example of Venice, the use of the term *prince* to designate a collective body was highly unusual and can be taken as another example of Rousseau's radically antimonarchical principles.

71. A continuous proportion is a geometric progression such that:

$$\frac{A}{B} = \frac{B}{C} = \frac{C}{D} \cdots$$

Hence Rousseau's formulation could be restated algebraically as follows:

$$\text{Sovereign/Government} = \text{Government/Subjects}$$

or

$$(\text{Sovereign})(\text{Subjects}) = (\text{Government})^2$$

On this mathematical formulation and its implications, see Marcel Françon, "Le Langage Mathématique de Jean-Jacques Rousseau," *Cahiers pour l'Analyse* 8 (1967), 85–88, and Masters, *Political Philosophy of Rousseau*, 340–348.

72. Rousseau says that "the subject always remains one" because the laws, if legitimate, must apply equally—and with full force—to each citizen as subject (compare II, vi). It follows, however, that both the ratio of the sovereign to the State and the ratio of the government to the State must be whole numbers (i.e., the denominator is always 1). This detail is crucial if one is to understand Rousseau's reference to "the series . . . of whole numbers" later in this chapter.

73. Rousseau uses the French word *rapport*, which can mean either a mathematical "ratio" or a "relationship," twice in this sentence. Since Rousseau's play on the ambiguity of the term is untranslatable, "ratio" is used for "*rapport* in the geometrical sense" and "relationship" for "*rapport* in the ordinary sense."

74. Rousseau's eighteenth-century mathematical terms should not obscure the basic idea. Starting from the last equation given in editorial note 71, and substituting the value of "subjects" as equal to 1 (editorial note 72), Rousseau indicates that:

$$(\text{Sovereign}) = (\text{Government})^2$$

Calling the expression "(Government)^2" a "doubled ratio," Rousseau concludes that the force of the government should vary according to the size of the sovereign. Compare the next paragraph.

75. At first, this phrase cannot fail to be puzzling. Rousseau seems to say that the government is a "moral person" that "can be broken down into other similar relationships" that constitute "a new proportion" that is "within" the continuous proportion discussed to this point. But if the "supreme magistrate" is an "indivisible middle term" or "unity" (1/1), separating "the series of fractions and that of whole numbers," then the ratio of sovereign to government is a "fraction," and the ratio of the government to the State is a "whole number." The latter is clear enough (see editorial note 72). But because a fraction cannot equal a whole number, it follows that the continuous proportion can never be perfectly realized in practice. Although the government "should" be subordinate to the sovereign, the "quantity of action" of the people as sovereign is apparently always less than the "quantity of action" of the government. See Introduction, pp. xx–xxi.

76. When Rousseau says that "the body politic would be dissolved," he does not mean that the society would automatically fall into anarchy, but merely that subjects no longer have a moral obligation or duty to obey. Compare I, iii, and III, x, first note.

77. Rousseau here applies, to the "government" as a "corporate" body, the logic that he applies to all "partial societies" in *Political Economy* (*Collected Writings*, III, 142–143). Compare editorial notes 46 and 83.

78. As Bertrand de Jouvenel has pointed out, when Rousseau says "the government should [*doit*] shrink," he uses the word *doit* (should, must, or ought to) in a "scientific" rather than an "ethical" way: "Rousseau is not saying, 'It is good that . . .' but 'It will come about that . . .'" "Rousseau's Theory of the Forms of Government," in *Hobbes and Rousseau*, ed. Cranston and Peters (494–495). De Jouvenel's interpretation, in this article and in the introduction to his edition of the *Social Contract*, is extremely illuminating.

79. Rousseau's use of the tripartite classification of monarchy, aristocracy, and democracy is in keeping with a long tradition in political theory. Aristotle had distinguished forms of government on the basis of two criteria: the number of rulers (one, few, many) and objective of rule (common good versus good of rulers). This produced the famous classification of six types of regime—three good or just (kingship, aristocracy, and "polity") and three unjust or evil (democracy, oligarchy, tyranny). See Aristotle, *Politics*, III.vi. 1278b–viii. 1280a (ed. Barker, 110–116), and compare Plato, *Statesman*, 300–303b, and St. Thomas Aquinas, *On Kingship*, I.xi–xii (*The Political Ideas of St. Thomas Aquinas*, ed. D. Bigogniari [New York: Hafner, 1957], 178). Cicero, however, asserted that what Aristotle had called "bad" regimes are "really no commonwealth at all." *De Re Publica*, III.xxxi. 43 (ed. Keyes [London: Loeb Classical Library, 1959], 219). Because for Cicero *res publica res populi* ("a commonwealth is the property of the people"), there are only three forms of government, each of which is "an assemblage of people in large numbers associated in agreement with respect to justice and a partnership for the common good," ibid., I.xxv. 39 (pp. 64–65). Rousseau basically agrees with Cicero, explicitly rejecting Aristotle's usage—see III, x, note. Compare Machiavelli, *Prince*, i (ed. Musa [New York: St. Martin's Press, 1964], 5), and *Discourses*, I, ii (ed. Crick, 106–111); Hobbes, *Leviathan*, II, xix (ed. Oakeshott, 121–122) and *De Cive*, ch. vii, paragraphs 1–4 (ed. B. Gert [Garden City, N. Y.: Doubleday, 1972], 190–194); Locke, *Second Treatise*, x, § 132 (ed. Laslett, 372). It follows that Rousseau's usage of the term *democracy* differs from contemporary practice. Vaughan, in a note to his edition of the *Social Contract* (p. 144), observes "that a sense unusual in modern times . . . but familiar to the ancients (for example, Plato and Aristotle), is here given to *Democracy*; and that Rousseau's *Aristocracy*, coupled as it is with the 'sovereignty of the people,' corresponds much more closely with the modern conception of democracy." See also editorial note 83.

80. The "famous author" is Montesquieu, who had said: "Not much honesty is needed for a monarchical or despotic government to survive or support itself. . . . But in a popular state, an additional motivation is necessary, namely VIRTUE." *Esprit des lois*, III, iii (ed. Caillois, 251). Rousseau's criticism of Montesquieu here is similar to a remark in *Emile*, V: "The science of political right is yet to be born, and it is to be presumed that it never will be. . . . The only modern in a position to create this noble and useless science was the illustrious Montesquieu. But he was careful not to discuss the principles of political right. He was content to discuss the positive right of established governments, and nothing in the world is more different than these two studies" (Pléiade, IV, 836; ed. Bloom, 458). For Rousseau, "the same principle" of political right "ought to apply to every well-constituted state" (compare Introduction, pp. xv–xvi), whereas Montesquieu speaks of the

"principle" of each form of government as "that which makes it act . . . the human passions which move it" (*Esprit des lois*, III, i).

81. "I prefer dangerous freedom to quiet servitude." Rousseau apparently cites *Observations sur le gouvernement de Pologne* (1749), in which Stanislas Leczinski, titular King of Poland and Duke of Lorraine, attributes this phrase to his father (Vaughan, II, 74).

82. In the copy of the *Social Contract* given to his friend d'Ivernois, as well as in a manuscript (Neuchâtel 7842, f°.52), Rousseau added the following citation of Sallust to this note: "*Dum pauci potentes dominationes affectabant, bonique et mali cives adpellati, non ob merita in Rempublicam, sed uti quisque locupletissimus et injuria validior, quia praesentia defendebat pro bono ducebatur*. Sallust. Hist. L. I." (Pléiade, III, 1478). "Since a small number of powerful people distributed positions, citizens were called good or bad not on the basis of their merit in the Republic, but on the basis of their wealth and their force in scorning the law, so that an individual's position pleading in his favor, he was considered a good man."

83. Rousseau's concept of "elective aristocracy" is thus his closest approximation to what has come to be called "representative government." As will be noted, however, Rousseau flatly rejects the concept of "representatives or deputies" (III, xv). In this regard, his distinction between sovereignty and government is crucial. Compare *Lettres écrites de la montagne*, VI: "The best of governments is aristocratic; the worst of sovereignties is aristocratic" (Pléiade, III, 809). "The interests of partial societies are no less distinct from those of the State, nor less pernicious to the Republic, than those of private individuals . . . and since what is dishonest in preferring oneself to others disappears in favor of a numerous society of which one is a part, by being a good Senator one finally becomes a bad citizen. This is what makes Aristocracy the worst of sovereignties." *Jugement sur la polysynodie* (Pléiade, III, 644–645).

84. Rousseau seems to misrepresent Aristotle flagrantly, as has been noted by many editors (Vaughan, Derathé, Grimsley). According to *Politics*, III.vi–vii. 1279a (ed. Barker, 112–114), "aristocracy" is a "right constitution" in which the few rule "with a view to the common interest"; the name aristocracy is "given to this species either because the best (*aristoi*) are the rulers or because its object is what is best (*ariston*) for the state and its members." Hence, aristocracy is "a government vested in a number of persons who are all good men," ibid., III, xv. 1286b (p. 143). In contrast, Aristotle is explicit in defining rule by the rich as oligarchy: "It is inevitable that any constitution should be an oligarchy if the rulers under it are rulers in virtue of riches, whether they are few or many," ibid., III. viii. 1279b–1280a (p. 116). The same distinction is found in Aristotle's *Nicomachean Ethics*, VIII.x. 1160a–b (ed. Ostwald [Indianapolis, Ind.: Bobbs-Merrill, 1975], 233–234). Rousseau thus applies Aristotle's criterion of a *bad* form of government by a few (oligarchy) to what Aristotle had called a *good* form of government by a few (aristocracy). This is probably not merely a careless slip, because in the note to *Social Contract*, III, x, Rousseau attacks Aristotle's distinction between kingship and tyranny, citing *Nicomachean Ethics*, VIII.x. In other words, Rousseau seems to have consistently blurred Aristotle's distinction between "right" or good regimes and bad or unjust ones. Compare editorial note 79.

85. This note was added in the edition of 1782. On Rousseau's praise of Machiavelli, see Grimsley's Introduction, 73–77, and Masters, *Political Philosophy of Rousseau*, 364–368. It is particularly instructive to note Rousseau's insistence on reading another "profound political thinker" with an eye to a "hidden intention" that is revealed only to careful readers. Compare the opening passage of III, i.

86. This paragraph was added while the *Social Contract* was in press, apparently in order to compliment the Duke de Choiseul. Unfortunately, Choiseul—then prime minister—took the passage as personal criticism instead of praise: Pléiade, III, 1482; Vaughan, II, 78; and—for Rousseau's own account—*Confessions*, XI (Pléiade, I, 571, 576–577). For the first draft of the next paragraph, see *Geneva Manuscript*, II, iii, 108.

87. Plutarch, *Sayings of Kings*, 175E, in *Moralia*, ed. F. C. Babbitt (London: Loeb Classical Library, 1961), III, 30–31. In the Greek, Dionysius the Younger calls his father a "tyrant" (*tyrannon*), not a "king." Compare Rousseau's second footnote to III, x.

88. "The most practical and shortest method of distinguishing between good and bad measures is to think what you yourself would or would not like under another emperor." Tacitus, *Histories* I. 16 (in *The Complete Works of Tacitus*, ed. Moses Hadas [New York: Modern Library, 1942], 429).

89. Rousseau again refers to Plato's *Statesman*, especially 297b–c, 300e, 303c, 309d. (Compare editorial note 54.) The frequency of Rousseau's references to the *Statesman*—combined with the surprising absence of references to the *Republic*—deserves comment. Could it be that, like Plato, Rousseau was seeking a "statesman"—not as monarch but as legislator? Among the fragments presumably intended for Rousseau's projected *Political Institutions* is a list of chapters concluding with "Examination of Plato's Rep[ublic]" and a Preface (Fragments I, 1–2; 16–17 in this volume). On Rousseau's longing for "a superhuman genius" who would exercise "creative legislative authority," see Judith Shklar, "Rousseau's Images of Authority," in *Hobbes and Rousseau*, ed. Cranston and Peters, especially 340–347.

90. If the ratio of the sovereign to the government is a "fraction," whereas that of the government to the state is a "whole number" (III, i, and editorial note 75), in practice the ratio of prince to sovereign is always greater than—and the ratio of people to prince less than—unity.

91. See *Esprit des lois*, especially Book XVII: "How the Laws of Political Servitude are Related to Climate" (ed. Caillois, 523–530) as well as I, iii; XV, vii; XVI, ii–iv, xi, xii; XIX, iv, xxvii; XXI, i–iv; XXIII, xvi; XXV, xxvi; and *Persian Letters*, cxxxi. For the classic statement of this view, see Aristotle, *Politics*, VII.vii. 1327b (ed. Barker, 296).

92. Rousseau's citation is from Chardin's *Voyages en Perse* (4 vols.; Amsterdam, 1735), III, 76, 83–84. The remainder of this chapter relates economics to climate in a way that is strikingly different from most modern economic theories. Compare Locke, *Second Treatise*, chapter v, and Montesquieu, *Esprit des lois*, Book XVIII, and especially Part IV, Books XX–XXII.

93. Compare Aristotle, *Politics*, Books I–II, VII–VIII. On Rousseau's reasons for transforming the ancients' question of the "best regime" into the modern one

of "what is law?" (i.e., is there a rational principle of obedience?), see the passage of the *Confessions* cited in editorial note 4. On the argument of the chapter as a whole, compare Montesquieu, *Esprit des lois*, Book XXIII. Note that over the long run, a "successful" government necessarily destroys freedom, because "the larger the State grows, the less freedom there is" (III, i). Compare the next chapter.

94. "And this in their ignorance, they called civilization, when it was but a part of their servitude." Tacitus, *Agricola*, 21 (ed. Hadas, 690). Like Rousseau's preceding note, this one was added when the *Social Contract* was in press (Pléiade, III, 1484–1485).

95. "They make a solitude and call it peace." Tacitus, *Agricola*, 30 (ed. Hadas, 695). On the example in the next sentence, see the passage of the *Mémoires of the Cardinal de Retz*—who was Coadjutor of Paris—cited in Pléiade, III, 1485, n. 5.

96. Rousseau paraphrases the Introduction of Machiavelli's *History of Florence*. Compare Machiavelli's argument in III, i (New York: Harper Torchbooks, 1960, 108–109) with *Discourses on Titus Livy*, I, iv (ed. Crick, 113–115). On this note—and Rousseau's argument in the chapter—consider Bertrand de Jouvenel's judgment: "This very criterion of population overthrows Rousseau's entire thesis that civilization is decadent. For, along with commercial growth and the flowering of the arts and sciences which alarmed him, population in his time grew enormously. On this point, he has for him a passage from Tacitus and against him all the statistics. It is true that now population is declining in the most civilized countries, sometimes even rapidly. But nonetheless civilized peoples have larger populations than barbarians" (ed. de Jouvenel, p. 291).

97. An anonymous work published in 1612, with the objective of legitimizing the sovereignty of the emperor over the Venetian Republic (Pléiade, III, 1486).

98. Rousseau apparently has in mind the account of Rome in *Discourses on Titus Livy*, I, ii–iv, 17 (ed. Crick, 110–115, 157–158). This reference is nonetheless surprising, because Machiavelli describes "the cycle through which all commonwealths pass" as monarchy, tyranny, aristocracy, oligarchy, democracy, anarchy (ibid., I, 2, 106–109). Moreover, Machiavelli explicitly applies this view to Rome: "And so favored was it [Rome] by fortune that, though the transition from Monarchy to Aristocracy and thence to Democracy, took place by the very stages and for the very reasons laid down earlier in this discourse, none the less the granting of authority to the aristocracy did not abolish altogether the royal estate, nor was the authority of the aristocracy wholly removed when the populace was granted a share of it. On the contrary, the blending of these estates made a perfect commonwealth" (ibid., 111). Cf. Plato's cycle of regimes: monarchy or aristocracy, timocracy, oligarchy, democracy, and tyranny (*Republic*, Books VIII–IX).

99. As numerous editors have noted, Rousseau uses "anarchy" to describe the absence of legitimate government rather than the chaotic absence of any effective government. This usage is consistent with Rousseau's tendency to follow Cicero's classification of regimes rather than that of Aristotle or Plato (compare editorial note 84). The term "ochlocracy" (mob rule) in Rousseau's next sentence was apparently first used by Polybius (Pléiade, III, 1486): see Polybius, *The Histories*, VI.iv.7–10 (ed. W. R. Paton [London: Loeb Classical Library, 1960], III, 274–275). Curiously enough, however, in this very passage Polybius contradicts

Rousseau's assertion that all government naturally evolves from democracy to monarchy. Machiavelli also seems to have had Polybius in mind when writing *Discourses*, I, ii (see the preceding editorial note). In other words, Rousseau was fully conversant with the technical usage of ancient and modern political theorists, but he adapts their concepts to his own point of view.

100. "For all those who exercise power for life in a city that has been accustomed to be free are considered and called tyrants." Cornelius Nepos, *Life of Miltiades*, viii (in *Lives of the Excellent Commanders*, ed. John Clarke [London: Hitch and Johnston, 1754], 32–33). On the remainder of this note, compare Aristotle, *Politics*, IV.x. 1295a (ed. Barker, 178–179) with editorial note 84. For a very important analysis of Xenophon's *Hiero*, see Leo Strauss, *On Tyranny*, rev. ed. (Glencoe: Free press, 1963), especially p. 126, n. 7. Interestingly enough, Machiavelli seems to use the term "tyrant" in precisely the way rejected by Rousseau: *Discourses on Titus Livy*, I, 10 (ed. Crick, 135–138).

101. Compare Hobbes, *Leviathan*, II, xxx: "there be also [some] that maintain, that there are no grounds, nor principles of reason, to sustain those essential rights, which make sovereignty absolute. Wherein they argue as ill, as if the savage people of America should deny there were any grounds, or principles of reason, so to build a house, as to last as long as the materials, because they never yet saw any so well built. Time and industry, produce every day new knowledge. And as the art of well building is derived from principles of reason, observed by industrious men, that had long studied the nature of materials, and the divers effects of figure, and proportion, long after mankind began, though poorly, to build; so, long time after men have begun to constitute commonwealths, imperfect, and apt to relapse into disorder, there may be principles of reason found out, by industrious meditation, to make their constitution, excepting by external violence, everlasting."

102. On this analogy between the "constitution of man" and that "of the State," compare Hobbes, *Leviathan*, Author's Introduction, and *Political Economy* (*Collected Writings*, III, 142–143). The next paragraph echoes *Geneva Manuscript*, II, ii, tenth paragraph.

103. As prior editors have pointed out, Rousseau's argument reflects his criticism of the Genevan government, which refused to allow the *Conseil Général* to meet with full authority. See *Lettres écrites de la montagne*, especially VIII (Pléiade, III, 837–858), IX (885–887) et passim. Compare *Government of Poland*, vii (ed. Watkins, 192–195), where Rousseau applies this principle to practice.

104. Compare *Constitutional Project for Corsica* (ed. Watkins, 291–293), where Rousseau does not follow his own advice, with *Government of Poland*, v (ed. Watkins, 181–182), where Rousseau proposes a federal system. The argument of the next paragraph could be supported by the process of rapid urbanization in the "developing" countries. See E. F. Schumacher, *Small Is Beautiful* (New York: Harper & Row, 1973), Part III. To emphasize Rousseau's preference for small communities, the word *ville* has been consistently translated "town" as distinct from "City" (*Cité*), which for Rousseau has the special meaning of the classical *polis*, or city-state.

105. On Rousseau's judgment of England, compare *Lettres écrites de la mon-*

tagne, XIX (Pléiade, III, 877–879). Rousseau's vigorous rejection of the concept of representation distinguishes his political theory from modern constitutional doctrines. Cf. Hobbes's notion of the Sovereign as "representative" of the "body politic": *Leviathan*, I, xvi and II, xviii (ed. Oakeshott, 107, 113). Rousseau was aware that his principles were hard, if not impossible, to realize under modern conditions, as the rest of this chapter makes clear. Hence it should not be surprising that he proposes for Poland a system of "Deputies" who are "bound by their instructions." The details of this proposal, which is explicitly described as being "deduced" from the "principle" set forth in the *Social Contract*, provide a good example of how Rousseau applied his theory to political practice: see *Government of Poland*, vii (ed. Watkins, 193–195). Compare *Political Economy*, editorial note 27.

106. Because this note implies that the existing text of Book III was drafted before Rousseau abandoned the projected *Political Institutions*, it could be taken as evidence that the missing half of the *Geneva Manuscript* was detached and used with only minor changes as the final version (compare editorial notes 4 and 68). Although some might be tempted to see the *Federalist Papers* as the fulfillment of Rousseau's project, Hamilton and Madison follow Montesquieu, favoring a commercial republic based on the separation of powers and indirect, representative legislatures. For a sketch of Rousseau's likely approach to confederations, see Vaughan, I, 95–102, and the texts there cited. It is possible that a manuscript containing Rousseau's conception of confederations was destroyed during the French Revolution (Vaughan, II, 135–136). Rousseau's reticence to publish his ideas on this topic may have been based on fears expressed in his *Jugement sur le projet de paix perpétuelle*. Having shown that the Abbé de Saint Pierre's projected European confederation combined "individual profit" and the "common good" (Pléaide, III, 591), Rousseau concludes: "Let us admire such a beautiful plan, but let us console ourselves not to see it executed, for that could not be done except by means that are violent and dangerous for humanity. One does not see federative leagues established in any other way except by revolutions, and on this principle who would dare say if this European League is to be desired or feared?" (Pléiade, III, 600). On this work, see *Social Contract*, editorial note 119.

107. The next three chapters return to questions of political "principle" as they relate to the practical problem of establishing and maintaining any legitimate government. On Rousseau's view of the social contract as "the bonds" of society, "obligating all members of the state without exception"—and not a contract between the people and its rulers—see *Second Discourse*, Part 2 (*Collected Writings*, III, 59–60).

108. This phrase—and the "two propositions that can never be omitted" at the regular assemblies (see the end of this chapter, p. 197)—were key passages cited by the Procureur Général of Geneva, J. L. Tronchin, as grounds for condemning the *Social Contract* (Pléiade, III, 1490–1491). Compare editorial note 103. On the importance of the next paragraph, see Introduction, pp. xx–xxii.

109. Rousseau uses an old legal term, *le cas odieux*. As Beaulavon pointed out: "It is a case in which the exercise of the claimed right appears to be dangerous; one then invokes the maxim of Roman law, '*odia restringenda, favores ampliandi*'—i.e., harmful rights must be limited as much as possible, and on the contrary

advantageous rights given all the latitude possible" (Pléiade, III, 1490). On the example of the Roman decemvirs, cited later in this paragraph, see II, vii, and editorial note 56.

110. See Grotius, *Droit de la guerre et de la paix*, II, v, § 24 (cited Pléiade, III, 1491). On this crucial point, the conventional distinction between modern totalitarianism and constitutional regimes follows Rousseau's principle.

111. Compare this bucolic image with the description of the early Swiss as "good and just without ever knowing what justice and virtue were" in *Constitutional Project for Corsica* (ed. Watkins, 295–296), the Neufchâtel mountainside depicted in the *Letter to d'Alembert* (ed. Bloom, 60–62), and Rousseau's assertion that the *Social Contract* takes Geneva as "a model of political institutions," *Lettres écrites de la montagne*, VI (Pléiade, III, 809). The argument of the remainder of this chapter, with its assertion that the general will "is always constant, unalterable, and pure," follows from the conception set forth in I, vi–II, vi (see especially editorial note 30).

112. Rousseau's ironical defense of free speech has confused some editors, who read the last clause as a serious statement of principle; such an interpretation is unlikely given the next chapter as well as Book II, chap iii.

113. Tacitus, *Histories*, I.85 (ed. Hadas, 471–472).

114. Unlike the first sentence of I, i, here Rousseau unambiguously uses the present tense ("*tout homme étant né libre* . . ."). Earlier editors have remarked that the principle of consent, spelled out in this paragraph and the following one, follows Pufendorf, Locke, and Burlamaqui (Pléiade, III, 1493). See also Hobbes, *Leviathan*, "A Review and Conclusion" (ed. Oakeshott, 461–463). On residence as tacit consent, compare the last paragraph of III, xviii.

115. The foregoing passage deserves particular emphasis, because it reinforces the interpretation of the "general will" as the logic implicit in the principle of majority rule. Note, however, that for Rousseau, popular votes should not be viewed as an expression of differing interests: compare the distinction between the general will and the will of all, based on the notion "that the agreement of all interests is formed in opposition to the interest of each" (II, iii, and Rousseau's first note). Compare editorial notes 28 and 44.

116. Compare II, iii, and III, xiii–xv, xviii, with IV, iv–vii.

117. Montesquieu, *Esprit des lois*, II, ii (ed. Caillois, 242). Montesquieu goes on, however, to add that election by lot "is defective by itself"; in the remainder of the chapter, Rousseau seems to disagree in principle but agree in practice.

118. Poor members of the Venetian nobility who inhabited the quarter called St. Barnabas (Pléiade, III, 1494). Voltaire criticized this comparison between Venice and Geneva as exaggerated (ibid.); beyond such questions of historical detail, the passage suggests that not merely Venice but virtually every republic is a "mixed regime" in Rousseau's terminology. See III, vii, "Properly speaking, there is no simple government," and editorial note 79. On Venice, compare Machiavelli, *Discourses on Titus Livy*, I, vi (ed. Crick, 119–121).

119. Rousseau refers to *Polysynodie, by the Abbé de Saint Pierre* (1718). The two had met just before the Abbé's death (1743), and Rousseau was subsequently asked to edit an abridgment of his works. As a result, in 1761 Rousseau published the *Extract of the Project of Perpetual Peace by Monsieur the Abbé de Saint Pierre* (Pléi-

ade, III, 563–589). Although written at the same time, Rousseau's *Judgment on the Project of Perpetual Peace* (ibid., 591–600), his edition of *Polysynodie of l'Abbé de St. Pierre* and *Judgment on the Polysynodie* (ibid., 617–645) were only published posthumously in 1782. The Abbé was a rationalist, if not utopian, who imagined a European parliament as the means to universal peace as well as the sweeping reform of the French monarchy to which Rousseau here refers. For the details of Abbé de St. Pierre's proposal, see *Polysynodie*, especially iv–viii (Pléiade, III, 622–632).

120. Some editors have not taken this sentence seriously. For example, Vaughan speaks of IV, iv–vii, as "barely relevant to the subject, and quite unworthy of the setting in which they stand" (Vaughan, II, 109). Derathé echoes this feeling, adding that "for Rousseau, it was a matter of filling up this fourth book, even at the price of a digression, in order to be able to insert the chapter on civil religion" (Pléiade, III, 1495). These judgments ignore Rousseau's continued admiration for Rome, the "model of all free peoples" (*Second Discourse*, Dedication [*Collected Writings*, III, 4]). Moreover, at least one internal reference suggests that these four chapters weren't inserted at the last minute (see *Social Contract*, editorial note 116, as well as *Geneva Manuscript*, editorial note 37). Finally, but most important of all, a comparison of Machiavelli's *Discourses on Titus Livy* and Montesquieu's *Considerations on the Greatness of the Romans* or *Esprit des lois* shows very clearly the difference between Rousseau's view of Rome and that of his predecessors.

121. Rousseau's note, like his epigraph from the *Aeneid* (editorial note 3), implies that Rome was founded on violence rather than free consent. Compare *Government of Poland*, ii: "Those who have seen in Numa only a creator of religious rites and ceremonies have sadly misjudged this great man. Numa was the true founder of Rome. If Romulus had done no more than to bring together a pack of brigands who could have been scattered by a single set-back, his imperfect work would not have been able to withstand the ravages of time. It was Numa who made it solid and enduring by uniting these brigands into an indissoluble body" (ed. Watkins, 165). Compare *Geneva Manuscript*, I, ii, especially II, iv: "for law comes before justice and not justice before law." Although the history of Romulus and Numa may be a "fable," it nonetheless reflects the true origin of Rome (see ed. de Jouvenel, 331). Compare Montesquieu's dismissal of "Numa's long and peaceful reign" as "ideal for keeping Rome in a state of mediocrity" (*Considerations on the Greatness of the Romans*, chap. [ed. Lowenthal, 23–24]) with Machiavelli, *Discourses on Titus Livy*, I, xi (ed. Crick, 140–141).

122. The passages from Varro, *De Re Rustica*, III. i, and Pliny, *Hist. Nat.*, XVIII.iii, are both apparently cited from Sigonius, *De Antiquo Jure Civium Romanorum*—a work that, as editors since Dreyfus-Brisac have noted, seems to have been a major source of Rousseau's account of Rome (Pléiade, III, 1494–1495; Vaughan, II, 109). For Montesquieu's account of the Roman institutions described in this chapter, see *Considerations on the Greatness of the Romans*, viii (ed. Lowenthal, 86–87). As remarked in editorial note 104, the word "town" has been used throughout for the French *ville*, both because Rousseau attaches a special meaning to *Cité* (translated "city") and because he refers to an urban agglomeration smaller than contemporary New York, Paris, or Tokyo.

123. Rousseau's awareness of the bias in favor of wealth in the Roman centuries

should be underlined, especially because he adds that they represented "all the majesty of the Roman people," whereas the comitia by tribes, albeit "favorable to popular government," failed to include "the senate and the patricians" (pp. 209–210). Despite his egalitarian principles, Rousseau knew the impossibility of avoiding some degree of social inequality in a complex society. For examples of the process to which Rousseau refers, at least at the end of the Republic, see Lucy Ross Taylor, *Party Politics in the Age of Caesar* (Berkeley: University of California Press, 1961).

124. Cicero, *Laws*, III.xv.33–xvii.39 (ed. Keyes, 496–505), to which Montesquieu had referred in *Esprit des lois*, II, ii (ed. Caillois, 243). On the secret ballot, which is of course generally practiced in modern democracies, compare editorial note 46. On Rousseau's judgment concerning this change in Roman law, compare Machiavelli, *Discourses on Titus Livy*, III, xxiv–xxvi (ed. Crick, 473–477).

125. In his *Lettres écrites de la montagne*, Rousseau rejects a criticism of the tribunes as a cause of the fall of the Roman Republic, adding a reference to this chapter as containing "some good maxims" on such an institution (Pléiade, III, 879–880). As the examples of the Spartan ephors and Venetian Council of Ten indicate, Rousseau clearly has in mind a political function that exists in other regimes; one can wonder how he would have analyzed the U.S. Supreme Court.

126. As earlier editors note, in this chapter Rousseau seems to follow Machiavelli, *Discourses on Titus Livy*, I, xxxiii–xxxiv (ed. Crick, 193–198). Compare Montesquieu, *Esprit des lois*, II, iii.

127. On the Roman censors, see Machiavelli, *Discourses on Titus Livy*, I, xl (ed. Crick, 230): "For in that the censors became the arbiters of Roman customs, they constituted a very powerful instrument which the Romans used in order to postpone the advent of corruption." Compare Montesquieu's explanation of how the censors "greatly contributed to upholding Rome's government": *Considerations on the Greatness of the Romans*, viii (ed. Lowenthal, 85–86).

128. On the meaning of "morals," see editorial note 67 above.

129. In the copy of the *Social Contract* given to d'Ivernois, Rousseau noted: "They were from Chios and not Samos; but given the things in question, I never dared use this word in the text. Although I think that I am as bold as others, it isn't permissible for anyone to be dirty and crude, in any possible situation. The French have put so much decency in their language that one can no longer tell the truth in it" (Pléiade, III, 1497). Rousseau thus avoided the play on words that would have resulted if he had spoken of "Chiots" or "Chiens."

130. For the first version of this chapter, see the final section of the *Geneva Manuscript*. The seventh paragraph of the draft became paragraphs four and six, with the remainder of the draft starting at the fifteenth paragraph of the final version (see also editorial note 135). Although the concept of a "civil religion" has understandably been viewed with great suspicion by those who lived through the excesses of Hitler and Stalin, Rousseau's frame of reference should be borne in mind. Compare Montesquieu, *Considerations on the Greatness of the Romans*, x (ed. Lowenthal, 98): "Aside from the fact that religion is always the best guarantee one can have of the morals of men, it was a special trait of the Romans that they mingled some religious sentiment with their love of country." Similarly, for Machiavelli, "the religion introduced by Numa was among the primary causes

of Rome's success. . . . And as the observance of divine worship is the cause of greatness in republics, so the neglect of it is the cause of their ruin" *Discourses on Titus Livy*, I, xi (ed. Crick, 141).

131. *Judges*, xi.28. Compare the translation of the *Jerusalem Bible* (p. 276): "Do you not possess all that Chemosh your god took from its owners? In the same fashion, whatever Yahweh our God took from its owners, that we possess too."

132. The "holy war" was a war between Phocis and Thebes in the middle of the fourth century B.C. It began with the accusation that Phocians had been impiously cultivating sacred land. The war ultimately involved Sparta and Athens on the side of Phocis, and Macedon under Philip on the side of Thebes. The Theban side won. Compare Thucydides' account of the role of the "curse of the goddess" and the "curse of Taenarus" in the origin of the Peloponnesian War: *History*, I. 118–135 (ed. Finley [New York: Modern Library, 1951]), 65–75. We would like to thank Clifford Orwin for providing the information in this note.

133. In a manuscript (Neuchâtel 7842), Rousseau noted: "For the last chapter of the Social Contract: *They have broken every one of Caesar's edicts by claiming that there is another emperor*, Jesus. Acts, XVII.7." (Pléiade, III, 1501). The Biblical translation is from *Jerusalem Bible*, 178–179; Rousseau's French Bible read "*Roy*" (king), not emperor.

134. "I have seen, writes Grotius, the Treatise *Of the Citizen*. I approve what is there in favor of kings, but I could not approve the foundations on which the author bases his opinions. He thinks that all men are naturally in a state of war, and he establishes some other things that are not in agreement with my principles. He even goes so far as to assert that it is the duty of each private individual to follow the religion approved in his fatherland by the public authorities, if not adopting it in his heart, at least in professing it and submitting to it obediently." Rousseau presumably read this letter in Barbeyrac's Translator's Preface to the French edition of Grotius, *Droit de la guerre et de la paix* (cited in Pléiade, III, 1502). For Hobbes's own statement, see *De Cive*, vi, § 11 (ed. Gert, 179–180); xv, § 17, 303–305; xv, § 7–18, 313–328; xvii, § 27, 364–367; xviii, § 13–14, 383–386. For an excellent treatment of Hobbes's proposed solution to the problem of divided sovereignty, see Clifford Orwin, "On the Sovereign Authorization," *Political Theory*, Vol. 3 (1975), 126–143.

135. At this point, the final version picks up the draft in *Geneva Manuscript*, starting with its second paragraph. The opposition between the "religion of man and that of the citizen" reminds one of the distinction between the "natural man" and the "citizen" in *Emile*, I (Pléiade, IV, 249). For a fuller statement of Rousseau's "natural religion"—here called "true theism," or "natural divine right"—see the "Profession of Faith of the Savoyard Vicar" in *Emile*, IV (Pléiade, IV, 635; ed. Bloom, 313–314); the Profession of Faith of Julie in *Julie, ou la Nouvelle Héloïse*, VI, xi (Pléiade, II, 714–716), as well as V, v (587–596); and Masters, *Political Philosophy of Rousseau*, 54–89. On Rousseau's intention to reconcile "the tolerance of the philosopher (*philosophe*) and the charity of the Christian," see *Lettres écrites de la montagne*, I (Pléiade, III, 697), and Pléiade, IV, 1600.

136. "Let him be damned." This formula was used when a citizen was cut off from other citizens and left to the judgment of the gods (ed. Grimsley, 226). Rousseau's violent criticism of Catholicism is very much based on the realization

that among believers, the power of excommunication—and even the refusal of the sacraments—is the most serious penalty. As Hobbes had put it: "For no man can serve two masters; nor is he less, but rather more a master, whom we believe we are to obey for fear of damnation, than he whom we obey for fear of temporal death." *De Cive*, vi, § 11 (ed. Gert, 179). Compare Rousseau's note on the Clergy (above, p. 218) with that on marriage, especially in its original form at the end of the *Geneva Manuscript*.

137. As Derathé points out, this sentence—and the following criticism of Christianity on political grounds—was heavily attacked. By "particular societies" and "social spirit," Rousseau meant political communities: "The great society, human society in general, is founded on humanity, or universal benevolence; I say and I have always said that Christianity is favorable to that society. But the particular societies, political and civil societies, have an entirely different principle. They are purely human establishments from which, as a consequence, the true Christianity detaches us as from all that is only earthly," Letter to Usteri, July 18, 1763 (cited Pléiade, III, 1503). Compare *Geneva Manuscript* I, ii (the long chapter deleted from the final version): in a sense, Rousseau's rejection of a "general society of the human species," based solely on reason, requires in its place a civil religion. Hence IV, viii, of the *Social Contract* is perhaps best understood as Rousseau's replacement of I, ii, of the *Geneva Manuscript*.

138. Compare Nietzsche's treatment of Judaism, and especially of Christianity, as "the slave revolt in morality," *Genealogy of Morals*, I, x (ed. W. Kaufmann [New York: Vintage, 1969], 36) et passim.

139. The passage quoted in this note has not been found in the published version of the Marquis d'Argenson's *Considérations* (Pléiade, III, 1504). On Rousseau's four citations of d'Argenson, see Masters, *Political Philosophy of Rousseau*, 306–309.

140. Rousseau's endorsement of the death penalty for behavior violating the dogmas of the civil religion indicates a "toughness" in his thought that is often overlooked. Nonetheless, it must be stressed that for Rousseau, only behavior—never opinion or belief—can be punished by society: "I am indignant that the faith of everyone is not in the most perfect liberty, and that man dares control the interior of consciences, where he is unable to penetrate, as if it depended on us to believe or not believe in matters where demonstration has no place," Letter to Voltaire, August 18, 1756 (*Collected Writings*, III, 119). Hence Rousseau asserted elsewhere: "no true believer could be intolerant or a persecutor. If I were the magistrate and the law provided for the death penalty against atheists, I would begin by having burned as one whoever came to denounce another." *Julie, ou la Nouvelle Héloïse*, V, v, note (Pléiade, II, 589).

141. These dogmas should be compared to the "Profession of Faith" in both *Emile* and *Julie, ou la Nouvelle Héloïse* (see editorial note 135 above). Rousseau's attempt to combine religious belief and toleration will strike many modern readers as anachronistic. But it is curious that the political practice of Western democracies—most notably in the United States—resembles Rousseau's precept: along with toleration of varied religious beliefs, one finds a general hostility to avowed atheism. Conversely, where atheism has been publicly proclaimed—as in the Soviet Union—there has been a tendency to convert the ruling political ideology into a kind of state "religion."

142. This note, which was softened from the first draft (see the end of the *Geneva Manuscript* and editorial note 42 thereto), was the source of considerable concern to Rousseau. After the *Social Contract* had been printed, he wrote to his publisher: "I want this note eliminated, whatever the cost, for your advantage as well as for my own." Letter to Rey, March 14, 1762 (cited Pléiade, III, 1507). Rey therefore had to reset the last pages of the book without this note, which was only published in the posthumous edition of 1782.

143. Henry IV's reasoning is described as follows: "A historian reports that the King had a debate between Doctors of both churches conducted in his presence, and seeing that a [Protestant] Minister agreed that one could be saved in the Catholic Religion, his Majesty spoke as follows to the Minister: *What? Do you agree that one can be saved in the religion of those men over there*? The Minister replied that he did not doubt it, provided that one lived well. The King replied very judiciously: *Prudence indicates, then, that I be of their religion and not yours, because being in theirs I can be saved according to them and according to you, and being of yours I can be saved according to you but not according to them. Now prudence indicates that I follow the most assured* [religion]," Hardouin de Péréfixe, *Histoire du roy Henry le Grand* (ed. 1616, 200, cited Pléiade, III, 1506).

144. On Rousseau's approach to foreign policy, and his decision to delete such considerations when abandoning his projected *Political Institutions*, see editorial notes 4, 106, 119. In the last analysis, Rousseau seems to have been less interested by problems that he called "external and relative" than by those that seemed to him "internal and absolute" (II, ix).

Index

Achilles, 5, 230 n10
Actium, 6
Adam, 133
Aemilius (Paulus Aemilius), 57
Aeneid, 127, 241 n3, 263 n121
Africa, 33, 183
Agis, Agides, 61, 67
Agis (reformer), 110, 211
Ajax, 5, 230 n10
Alba, 213
Albans, 203–204
Alcibiades, 9, 14, 231 n21
d'Alembert, Jean Le Rond, 139, 247 n32
Alexander the Great, 1, 5, 8–10, 31, 229–230 n2, 230 n12
Ali, 218
Americans, 51
Ammonites, 216
Amsterdam, 132
Amyot, Jacques, 245 n15
Anaxagoras, 40
animals, xiii, 19, 54, 56, 85, 133, 141, 235 n8, 236 n11
Antiochus the Great, 5, 230 n11
Antipater, 63
Antony, 5, 230 n11
Apollo, 6
Appius Claudius, 205
Aquinas, St. Thomas, 237 n7, 256 n79
Arabs, 116, 163, 218
Arcadians, 105, 157
Archimedes, 176
d'Argenson, Marquis, 132, 147, 163, 222, 244 n12, 249 n44, 253 nn63 and 64, 266 n139
Aristides, 40
Aristodemus, 67
Aristotle, xxvi, 25, 133, 176, 188, 227 n13, 234 n7, 238 n19, 243 n10, 244 n14, 252 n61, 256 n79, 257 n84, 258 nn91 and 93, 259 n99, 260 n100
Armenians, 183
Asia, Asians, 45, 68, 183
Athens, Athenians, 5, 34, 36, 62, 68, 116, 149, 163, 230 nn3 and 13
Atreidae, 66
Augustine, St., 38
Augustus, 6, 187, 230 nn11 and 14
Austria, 190
author, xii, xiii, xvi, xx, 6, 16, 31, 39, 71, 76, 89, 99, 116, 124, 146, 154, 156, 163, 174, 180, 185, 188, 218, 219, 222, 256 n80
authority, xxii, 2, 17, 22, 23, 26, 28, 32, 46, 62, 67, 83, 89–92, 94, 101–104, 107, 109, 111, 112, 114, 115, 120, 124, 130, 134–137, 146, 153, 155, 156, 159, 164, 167, 168, 171, 173, 174, 180, 184, 188–192, 194, 196, 197, 203, 207, 208–214, 217, 221, 223, 230 n10, 237 n18, 238 n19, 243 nn8 and 9, 244 n10, 245 nn17 and 18, 247 n32, 258 n89, 259 n98, 260 n103

Baal, 216
Babylon, 217
Bacon, Francis, 10, 231 n23, 253–254 n66
Balboa, Nuñez, 92, 143
barbarian, 81, 163, 182, 259 n96
Barbary, 184
Barbeyrac, Jean, 146, 226 n5, 235 n7, 244 n11, 245 n20, 265 n134
Barnabites, 202
Bastia, 229 n1
Bayle, Pierre, 219
Beaufort, Duc de, 198
Berne, 175, 198
Bodin, Jean, 139, 244 n10, 247 n32
Boufflers, Marquis de, 37, 233 n21
Brumfitt, J. H., 225, 226 n6, 227–228 n14
Brutus, Junius, 38
Brutus, Marcus, 5, 110, 230 n11
Buffenoire, Hippolyte, 226 n8
Burlamaqui, Jean-Jacques, 235 n7, 249 n42, 262 n114

Cadmus, 3, 230 n5
Caesar, 3, 5, 8–10, 27, 187, 213, 222, 230 n14, 265 n133

Caligula, 71, 100, 132, 133, 154, 216, 252 n54
Calvin, Jean, 155, 252 n55
Canaanites, 216
Carrières, Louis de, 216
Carthage, Carthaginians, 10, 59, 62, 68, 75, 116, 139, 163, 231 n24, 233 n32
Cartouche (Louis-Dominique Bourguigon), 7, 230 n17
Cassirer, Ernst, 234 n3
Castile, 92, 143
Catiline, 4, 69, 120, 214, 221, 222, 230 n7
Cato the Elder, 9, 10, 57, 136, 231 n21
Cato the Younger (of Utica), 6, 14, 15, 40, 57, 136, 222, 230 n13
Chamos, 216–217
Chardin, Jean, 183, 258 n92
Charles V, 5, 230 n9
Charvet, John, 227 n13
China, Chinese, 44, 253 n65
Choiseul, Duc de, 258 n86
Christians, Christianity, xxiv, 34, 39, 40, 81, 119, 120–122, 183, 217–222, 265 n135, 266 nn137 and 138
Church Fathers, 38–39
Cicero, 69, 81, 210, 214, 222, 235 n7, 237 n12, 256 n79, 259 n99, 264 n124
Cimbrians, 33
Cinna, 6, 230 n14
Cleomenes, 211
Clusium, 136
Cobban, Alfred, 248 n34
Cole, G. D. H., 225, 226 n6
Coligny, Gaspard de, 230 n12
commerce, xii, xxiv, 16, 43–51, 63, 109, 116, 160, 163, 192, 207, 224, 253 nn64 and 65
commiseration, 18. *See also* pity
Confessions, 229 n20, 233 n22, 241 n2, 258 n86, 259 n93
conscience, xvi, 29, 74, 81, 120, 134, 221, 236–237 n11, 245 n17, 248 n37, 266 n140
Considerations on the Government of Poland, 233 n31
Constitutional Project for Corsica, 253 n62, 260 n104, 262 n11
contract, xv, xvi–xix, 21–27, 76, 84, 85, 97, 98, 121, 127, 129, 130, 138–142, 150, 151, 167, 194–196, 200, 223, 233 n1, 235 n8, 241 n3, 246 n28, 247 n30, 261 n107
Cornelius Nepos, 188, 210 n100
Corsica, xii, 1, 162, 229 n1, 230 n15, 231 n18, 253 n62
Cortez, Fernand, 238 n20
courage, 4–7, 15, 39, 59, 60, 63, 223
Cranston, Maurice, 225, 226 n6, 227 n13, 235 n8
Crete, 105, 157
Crocker, Lester G., 225, 226 n6, 248 n37
Cromwell, 4, 7, 120, 198, 221, 230 nn7 and 16
Cronus, 216
Curiacii, 69
Cursay, Marquis de, 230 n15
customs, 34, 43, 72, 101, 105, 107, 110, 115, 137, 155, 157, 159, 162, 165, 264 n67
Cyclops, 134
Cyrenians, 105, 157
Cyrus, 68

Darius, 68
De Cive, 219
Demosthenes, 69
denature, 89, 103, 194, 247 n32
Derathé, Robert, 240 n40, 241 n1, 249 n42, 252 n60, 253 n65, 254 n67, 257 n84, 263 n120, 266 n137
Descartes, René, 160
Diderot, Denis, xi, 226 n5, 228 n17, 234 n3, 235–236 n8, 236 n9, 236–237 n10, 237 n13, 238 n18, 239 n34, 240 n35, 247 n32
Diogenes, 1, 229–230 n2
Dion, 230 n4
Dionysius the Younger, 179, 258 n87
Dioscurides, 66
Discourse on the Origin of Inequality (*Second Discourse*), xi, xii, xiv, xv, xvi, xvii, xxv, 226 n13, 228 nn14 and 18, 230 n6, 233 n22, 234 nn4, 6, and 7, 235 n8, 236 nn10 and 11, 237 n13, 238 n20, 241 n3, 243 nn9 and 10, 244 n12, 245 nn15 and 17, 246 n22, 248 n38, 249 n39, 254 n69, 261 n107, 263 n120
Discourse on the Sciences and Arts (*First Discourse*), xi, xii, xiv, xxv, 230 n12, 231 n1, 236 n11, 248 n36
Discourses on Titus Livy, 157, 177
Draco, 32
Du Bos, abbé Jean-Baptiste, 57, 233 n27
Duke of Lorraine, 174
Dupin, Claude, 232–233 n20
Dutch Observer, 92
duty, xvi, 8, 17, 37, 41, 44, 73, 79, 80, 84, 85, 89, 91, 95, 96, 111, 115, 118–121, 131, 133, 135, 140, 141, 148, 152, 192, 197, 219–223, 229 n24, 234 n7, 240 n36, 245 n21, 255 n76
Dyrrachium, 5

Edict of Nantes, 123
Egypt, Egyptians, 45, 75, 183
Emile, xi, xii, 227 n12, 228 n19, 232 n4, 247 nn31 and 32, 248 n38, 249 nn40 and 44, 250 n48, 251 nn68 and 69, 256 n80, 265 n135, 266 n141
England, English, 27, 52, 70, 86, 139, 143, 146, 158, 180, 183, 191, 192, 195, 218, 230 n16, 253 n65, 260 n105

Epaminondas, 63
Epictetus, 8, 10, 231 n19
equality, xiii, 20, 49, 81, 86, 87, 96, 97, 99, 105, 115, 116, 144, 145, 149, 157, 162, 163, 168, 174, 176, 177, 183, 198
equity, 6, 28, 59, 96, 149
Essay on the Origin of Languages, 233 n25, 234 nn4 and 6, 243 n9, 245 n17
Etat de guerre, 229 n21, 237 n16, 242 n4, 245 nn19 and 21, 246 nn24 and 26, 247 n30, 249 n42
Europe, Europeans, 7, 158, 162, 183, 208, 218, 238 n20, 249 n39, 261 n106, 263 n119
Eurotas, 30, 64, 66
Eurysthenes, 61, 66, 67, 233 n30
Eurythion, Eurythionides, 67
evil, xi, xiii, 12, 15, 36, 41, 44, 56, 65, 70–72, 74, 77, 94, 113, 173, 190, 209, 218, 256 n79
Extract of the Project of Perpetual Peace, 262 n119

Fabius, Fabii, 69, 120, 221
fables, 60, 65, 66, 203, 263 n121
Fabricius, 5, 40, 230 n12
faculty, 78, 82, 85, 89, 141, 168, 176, 237 n16
family, 25, 26, 34, 90, 91, 123, 132, 179, 243 n9
fatherland, 2–4, 6–8, 12, 25, 34, 38, 39, 41, 42, 46, 57–59, 61, 63, 67, 81, 98, 101, 105, 106, 118–123, 136, 141, 146, 150, 151, 155, 159, 174, 177, 192, 197, 202, 206, 212, 214, 219–221, 242 n4
Filmer, Robert, 245 n16
Final Reply, 238 n20
Fontenelle, Bernard Le Bovier de, 236 n10
founder, 105, 157, 203–205, 249–250 n45, 252 n55
France, French, xi, xxiv, 70, 86, 90, 123, 132, 135, 139, 143, 146, 158, 184, 186, 203, 215, 217, 218, 226 n11, 230 nn12 and 15, 232 n3, 241 n42, 243 n7, 247 n32, 260 n106, 263 n119
Francis I, 5, 230 n12
Francon, Marcel, 255 n71
Franks, 189
Franquieres, M. de, 231 n25
Frederick the Great, 242 n6
freedom, xxii, xiii, xiv, xv, xvi, xxiii, xxvi, 5, 12–15, 23, 24, 50, 58, 61, 63, 69, 78, 81, 82, 85, 91–95, 97, 99, 102, 104, 105, 110, 114–116, 124, 131, 132, 134–136, 138, 139, 141, 142, 148, 150, 156, 158, 161–164, 166, 168, 177, 181, 185–195, 197, 200, 201, 204, 206, 212, 213, 226 n57, 237 n15, 240 n36, 243 n8, 245 n21, 247 nn30 and 31, 248 nn37 and 38, 251 n49, 257 n81, 259 n93. *See also* liberty
Fréron, Elie Catherine, 229 n1

Gauls, 63, 75
general will, xvi–xxv, 22–24, 28, 80, 82, 84–88, 95–98, 102, 103, 111, 112, 129, 130, 139, 141, 142, 145, 147–149, 152–154, 156, 166, 168–175, 179, 186, 189, 192, 193, 196, 198–201, 213, 214, 226 n5, 227 n14, 228 n19, 229 nn23 and 24, 234 n3, 236 n10, 238 nn18 and 22, 243 n9, 247 n31, 249 nn41 and 44, 250 n45, 262 nn111 and 115
Geneva, xi, 127, 139, 155, 198, 202, 228 n14, 243 n7, 248 n37, 260 n103, 261 n108, 262 nn111 and 118
genius, xxv, 2, 7, 10, 15, 86, 100, 104, 107, 144, 155, 157, 158, 174, 252 n55, 258 n89
Genoa, 187, 200, 231 n18, 241 n2, 253 n62
George I, 146
Germans, 75, 158, 183
Gildin, Hilail, 227 n12
God, gods, 14, 19, 27, 31, 34, 60, 63, 65, 79, 80, 100, 104, 111, 118–122, 132, 134, 135, 154, 156, 157, 174, 180, 205, 216, 217, 219–223, 229 n24, 245 n18, 251 n52, 252 n57, 265 nn131 and 136
Goldschmidt, Victor, 227 n13
goodness, xii–xiv, 7, 36, 78
Gospel, 118–120, 219–222
government, xiii–xxvi, 12, 14, 16, 21–28, 40, 42, 43, 45, 46, 57, 59, 61, 64, 73, 76, 89–91, 94–96, 98, 103, 106, 107, 109, 111, 117, 118, 123–125, 130, 131, 135, 144, 149, 151–153, 156, 159–161, 165–181, 197, 199, 202, 208, 211, 212, 216, 218, 222, 223, 227 nn13 and 14, 228 n18, 233 n22, 242 n4, 243 n7, 245 n18, 250 n46, 251 n51, 253 n61, 254 n68, 255 nn71, 72, 74, 75, and 77, 256 nn78–80, 27 nn83 and 84, 258 n90, 259 n93, 259–260 n94, 260 n103, 261 n107, 264 n123
Government of Poland, 260 nn103–105, 263 n121
Gracchi, 193
Greece, Greeks, xii, 9, 14, 34, 45, 63, 68, 69, 72, 75, 81, 101, 110, 134, 154, 155, 186, 188–190, 193, 203, 215, 216, 231 n19, 244 n15
Grimsley, Ronald, 253 n65, 257 n84, 258 n85, 265 n136
Grotius, Hugo, 81, 95, 132–137, 146, 197, 219, 235 n7, 237 n12, 244 nn11, 12, and 14, 245 nn17, 19, and 20, 246 nn23 and 28, 262 n110, 265 n134
Guatimozin, 238 n20
Gustavus Adolphus II, 230 n16

Halbwachs, Maurice, 227 n14
Hall, John C., 226 n6, 227–228 n14
Hamilton, Alexander, 261 n106
Hannibal, 9, 63

happiness, 2–4, 6, 10, 12, 16–18, 20, 23, 36, 40–44, 47, 50, 58, 60, 67, 77–79, 82, 90, 94, 96, 100, 103, 105, 107, 148, 149, 154, 156, 160, 192, 223, 235 n8, 242 n4, 245 n21
Hebrews, 45, 116, 163, 177, 216. *See also* Jews
Hector, 5, 230 n10
Hegel, G. W. F., 243 n8
Helen, 66
Heliogabalus, 71
Helos, helots, 61, 67
Händel, Charles W., 228 n19
Henry IV, 224, 267 n143
Heracleidae, 61, 67
Hercules, 63, 81, 178, 233 n30
hero, 1–11, 15, 60, 63, 81, 110, 119, 177
Hiero, 188
history, xi–xv, xxiv–xxvi, 31, 53–56, 59, 60, 64–66, 68, 73, 75, 106, 179, 187, 203, 228 n16, 229 n26, 244 n12, 245 n17, 248 n38
History of Florence, 177
Hobbes, Thomas, xxiv, xxvi, 81, 114, 122, 132, 133, 218, 235 n8, 236 n10, 237 n16, 240 n36, 244 n12, 245 n17, 245 n19, 246 nn21, 22, 24, and 26, 249 n42, 251 n50, 254 n69, 256 n79, 260 nn101 and 102, 261 n105, 262 n114, 265 n134, 266 n136
Holland, 105, 158, 190
Homer, 119, 217, 230 n10, 245 n21
Horatii, 69
humanity, 38, 49, 69, 64, 71, 78, 81, 82, 95, 111, 119, 122, 135, 208, 251 n52, 261 n106, 266 n137
Hume, David, 233 n22

imagination, 27, 50
India, 9, 230 n12
Indies, 183
inequality, xii, 49, 86, 144, 175, 176, 204, 264 n123
injustice, 8, 12, 84, 96, 101, 141, 149, 155, 209, 244 n12, 248 n36, 251 n50
instinct, 85, 141
Institutes, 155
institution, xii, xiv, xvi, xxii, 34, 41, 60, 76, 83, 84, 89, 95, 96, 99, 101, 103–106, 109, 115–117, 130, 149, 154–157, 163, 164, 169, 195, 207, 208, 212, 219, 245 n21, 264 n125
interest, self-interest, xx–xxiv, 2, 10, 21–23, 25, 27, 30, 31, 35, 36, 46, 49, 60, 77–80, 82, 84, 87, 90, 91, 93, 95–98, 108, 110, 131, 132, 137, 140, 141, 145–147, 149, 156, 162, 173, 175, 177, 178, 185, 192, 198–200, 222, 229 nn23 and 24, 234 n5, 242 n5, 244 n14, 249 n44, 250 n49, 257 n84, 262 n115
Ishmael, 104, 157, 252 n58
Israel, 216
Italy, 62, 155, 183, 184, 214, 230 n8
Ivernois, François-Henri d', 257 n82, 264 n129

James II, 147
Janus, 4, 230 n6
Japan, Japanese, 75, 118, 146, 219
Jephta, 216, 217
Jerusalem, 110
Jesus, 27, 217
Jews, 33–35, 104, 157, 217, 253 n65
Jouvenal, Bertrand de, xxv, 227 n13, 228 n19, 229 n26, 256 n78, 259 n96
Judgment on the Polysynodie, 263 n119
Jugement sur le projet de paix perpetuelle, 261 n100, 263 n119
Julie, xi, 241 n2, 265 n135, 266 nn140 and 141
Jupiter, 119, 216, 217
justice, xv, xxiv, 6, 8–10, 12, 17, 20, 22, 32, 37, 40, 62, 69, 79–82, 85, 93, 94, 96, 99, 103, 111, 113, 114, 121, 131, 141, 146, 149, 152, 179, 187, 202, 223, 240 nn34 and 36, 242 n5, 244 n12, 245 n21, 251 n52, 256 n79, 262 n111, 263 n121
Justinian, 29, 81, 239 n27

Kant, Immanuel, 234 n3, 240 n36

labor, 2, 36, 50, 51, 54–57, 64, 92, 99, 142, 181, 182, 204
Lacedaemon, 66. *See also* Sparta
Laconia, 64, 233 n30
Lamas, 118, 219
language, xiii, 78, 103, 156, 193, 217, 243 n9, 250 n48, 251 n52, 264 n129
Latins, 81
Launay, Michel, 225, 226 n5
law of nature, 12, 96, 111, 148, 152, 156, 195, 243 n9, 247 n31. *See also* natural law
legislator, xxi, xxii, xxv, 5, 12, 26, 30–32, 36, 45, 62, 73, 88, 100–105, 109, 115, 116, 129, 131, 154–157, 161, 163–166, 172, 173, 212, 218, 230 n13, 234 n2, 239 n26, 240 n40, 252 nn53, 55, 56, and 58, 258 n89
Lelex, 66
Leligia, 64
Leonidas, 69
Letter to M. d'Alembert, 215, 243, 262 n111
Letter to Philopolis, 243 n7
Lettres ecrites de la montagne, 226 n10, 227 n13, 228 n18, 243 n8, 248 nn36 and 37, 250 n46, 252 n55, 254 n68, 257 n83, 260 n103, 260–261 n105, 262 n111, 264 n125, 265 n135
Levine, Andrew, 234 n3
liberty, 74, 155, 251 n50, 253 n65, 266 n140. *See also* freedom

Life of Miltiades, 188
Locke, John, xxiv, xxvi, 237 n16, 238 n20, 243 n10, 245 n16, 246 n21, 249 n43, 256 n79, 258 n92, 262 n114
London, 184, 198
Louis IX, 135
Louis XIII, 146
love, 3, 7, 8, 25, 32, 34, 46, 54, 58, 59, 64, 65, 77, 81, 105, 132, 155, 177, 192, 223
love of oneself, 58, 113
luxury, 14, 32, 35, 36, 40, 44–51, 54, 70, 174, 182–184, 193, 220, 233 n22
Lycurgus, 29, 30, 34, 42, 62, 101, 105, 110, 148, 154, 155, 158, 230 n13, 233 n31
Lysander, 68

Maccabees, 110
Macedonians, 86, 139, 143, 189
Machiavelli, Nicolo, xxiv, 157, 177, 186, 231 n23, 249–250 n45, 252 nn56 and 58, 256 n79, 258 n85, 259 nn96 and 98, 260 nn99 and 100, 262 nn120 and 121, 264 nn124, 126, 127, and 130
McManners, J., 226 nn5 and 9, 227 n13
Madison, James, 261 n100
Madrid, 184
Malebranche, Nicolas, 236 n10
Mammon, 35
Mandelslo, Jean-Albert, 75, 233 n35
Mandeville, Bernard, 233 n22
Marcus Antoninus, 40, 71, 233 n34
Marius, 4, 14, 206, 213, 230 n8
Mars, 6
Mason, John Hope, 236 n8, 240 n35, 247 n32
Masters, Roger D., 225, 226 nn5 and 12, 228 n19, 229 nn21 and 22, 238 n20, 239 n25, 241 nn1 and 3, 242 n6, 243 n9, 244 n12, 249 n44, 252 nn53 and 58, 255 n71, 258 n85, 265 n135, 266 n139
maxim, xxii–xxv, 3, 13, 14, 19, 24, 26, 27, 30, 40, 42, 46, 51, 59, 61, 63, 70, 74, 76, 84, 87, 99, 103, 106, 110, 113, 116, 136, 140, 156, 158, 159, 163, 170, 177, 179, 185, 196, 198, 200–203, 205, 210, 229 nn23 and 26, 234 n2, 248 n37, 253 n61, 261 n109, 264 n125
Medici, 177
Melon, Jean-François, 233 n22
Melzer, Arthur M., 228 n14
Mexico, Mexicans, 162
Minos, 105, 157
miracles, 39, 74, 157, 180, 210
moderation, 8, 9, 11, 59, 79, 115, 133, 162, 163, 176
Mohammed, 215, 252 n58
Molière, 232 n13
Moloch, 216
Montaigne, Michel de, 8, 231 n20
Montesquieu, Charles-Louis de Secondat, 100, 155, 181, 201, 232 nn10 and 16, 236 n10, 240 n40, 246 n26, 249 n42, 252 nn54 and 56, 253 nn61 and 65, 254 n67, 256 n80, 258 n92, 259 n93, 261 n106, 262 n117, 263 nn120–122, 264 nn124, 126, 127, and 130
morality, xii, 19, 45, 74, 78, 79, 92, 118, 121, 133, 135, 141, 219, 222, 242 n4, 245 n21, 247 n31, 266 n138
morals, 14, 19, 24–26, 30, 31, 34, 36, 39, 43, 50, 58, 61, 64, 68, 70–75, 107, 115, 124, 159, 165, 168, 173, 186, 199, 202, 204, 206, 207, 210–215, 231 n23, 232 n10, 254 n67, 264 nn128 and 130
Moreau, Jacob N., 238 n20
Moses, 34, 110, 216, 252 n58
Moultou, Paul, 242 n4
Mount Taygetus, 30
Munda, 5

Naples, 184
nation, 2–4, 16, 17, 25–27, 33–35, 42, 43, 45–50, 64, 65, 70, 74, 97, 100, 103–108, 110, 118, 123, 136, 150, 154, 156–158, 162, 163, 175, 185, 189, 190, 192, 193, 198, 214, 216, 219, 236 n11, 247 n31, 248 n34, 253 nn61 and 65
natural law, 18, 25, 50, 78, 79, 89, 234 n7, 236 n11, 239 nn33 and 34, 251 nn51 and 52. *See also*, law of nature
natural right(s) xvi, xvii, 21, 22, 81, 92, 95, 113, 119, 135, 148, 235 n8, 236 n9, 239 n34, 240 n36, 251 n49; natural divine right, 219, 265 n135
needs, 19, 20, 24, 37, 43, 44, 47, 49–55, 58, 76, 81, 82, 85, 90, 92, 100, 132, 154, 181, 193, 213, 234 n3
Nero, 71
Newton, Isaac, xv, 247 n30
Nicomachean Ethics, 188
Nietzsche, Friedrich, 266 n138
Noah, 133
North America, 174, 238 n20
Numa, 34, 148, 203, 233 n31, 250 n46, 263 n121, 264 n130

obstacles, 10, 24, 62, 82, 147, 213, 247 n29
Octavius, 5
opinion, xvii, xxv, 7, 22, 36, 39, 46, 54, 55, 59, 73, 90, 104, 121–123, 147, 148, 165, 174, 194, 198–201, 210, 214, 215, 222, 223, 266 n140
Orestes, 66
Orwin, Clifford, 265 nn132 and 134
Otho, 200

Palatine of Posen, 174

paradox, 46, 72, 143
Paris, xi, 53, 184, 186, 198, 259 n95
Parsees, 33
passion, 1, 10, 19, 20, 35, 53, 54, 56, 70, 77, 78, 80, 81, 91, 101, 114, 120, 154, 155, 234 n4, 236 nn10 and 11, 257 n80
Paul, 245 n18
Pausanias, 66
Peloponnesus, 61–67
Pelops, 67
Perkins, Merle L., 227 n13
Persepolis, 9
Persia, Persians, 45, 63, 68, 75, 86, 143, 183, 218
Peter the Great, 158, 252 n60
Pharsalia, 5, 14, 230 n11
Philaeni, 68, 233 n32
Philip of Macedon, 69
Philippi, 6
Philo, 100, 132, 244 n14, 252 n54
philosopher, xii, xxvi, 1, 2, 4, 8, 9, 14, 15, 35, 44–46, 71–73, 78, 80, 81, 218, 230 n19, 236 n9, 265 n135
philosophy, 12, 14, 17, 38, 44, 46, 72, 79, 88, 104, 157, 227 n13
Phocians, 217, 265 n132
Phocion, 40
Phoenicians, 216
Pichois, Claude, 231 n1
Pickles, William, 226 n10, 227 n13
Pintard, René, 231 n1
pity, 18, 236–237 n11. *See also* commiseration
Plamenatz, John, 248 n37
Plato, xvii, xx, xxvi, 2, 16, 40, 91, 100, 105, 154, 157, 180, 228 n19, 229 n20, 230 n4, 232 n2, 239 n30, 244 nn10 and 11, 252 n54, 256 n79, 258 n89, 259 nn98 and 99
Pliny, 205, 263 n122
Plutarch, 133, 230 n13, 232 n18, 244 n15, 258 n87
Poland, 180, 183, 253 n65, 261 n105
Polin, Raymond, 227 n13
Political Economy, xxiii, 227 n14, 229 nn23 and 24, 236 n10, 237–238 n18, 239 n22, 243 nn7 and 9, 243–244 n10, 248 n37, 249 n44, 250 n46, 254 n68, 260 n102
political thinker, xviii, 17, 30, 46, 47, 104, 107, 115, 146, 157, 160, 165, 177, 179, 180, 231 n2
politics, xi, xii, xv, xxii, xxiv–xxvi, 45, 88, 104, 131, 147, 156, 157, 180, 196, 208, 219, 229 n26, 242 n4
Polybius, 259 n99
Pompey, 213, 230 n11
Popilius, 136
Porus, 5, 230 n12
Posilippo, 184
Potidaea, 14
Preface to a Second Letter to Bordes, 226 n4
prejudice, 4, 10, 17, 33, 60, 65, 105, 157, 189
pride, 60, 63, 252 n55
Prince, 177
principle, 245 n17, 246 n28, 247 n30, 248 n36, 249 n39, 250 nn46 and 47, 251 n50, 253 n61, 254 n70, 256–257 n80, 260 n101, 261 nn105 and 106, 262 n110, 112, and 115, 264 n123, 266 n137
private will, xxi, xxiii–xxv, 23, 24, 87, 99, 102, 140, 145–149, 154, 156, 168–172, 176, 186, 201, 229 n23
Procles, 61, 66, 67, 233 n30
Proclides, 67
Procopius, 30, 232 n15
property, 22, 49, 63, 85, 86, 90–94, 114, 124, 135, 142, 143, 205, 237 n16, 240 n36, 241 n42, 246 n26, 249 n39, 256 n79
Protestants, 123–124, 230 n12, 241 n42, 267 n143
providence, 60, 120
prudence, 8–10, 60, 91, 104, 133, 157, 171, 214
Pufendorf, Samuel, 226 n6, 235 n7, 236 n10, 246 n23, 249 n42, 262 n114
Pyrrhus, 5, 9, 63, 230 n12
Pythagoras, 60

Rabelais, François, 134
reason, 1, 2, 4, 7, 9, 10, 17, 20, 34, 44, 46, 53, 62, 65, 70, 78, 79, 82, 84, 85, 89, 91, 94–96, 99, 100, 104, 110, 111, 113, 132, 135, 136, 141, 148, 152, 154, 156, 179, 225 n3, 234 nn4 and 7, 235 n8, 242 n3, 246 n26, 248 nn35 and 36, 251 n52, 252 n57, 260 n101, 266 n137
Regulus, 10, 59, 231 n24, 233 n28
religion, xxii, xxv, 16, 75, 79, 80, 104, 116–125, 130, 157, 163, 216–224, 228 n14, 236 n9, 240 n41, 252 n59, 253 n65, 254 n68, 263 n120, 264 nn130 and 132, 265 nn134 and 135, 266 nn137, 140, and 141
remedy, 20, 64, 82, 180, 204, 218
representation, representative, 23, 96, 130, 149, 191–194, 213, 261 n105
republic, xii, xviii, xx, xxiv, 14, 16, 26, 41, 45, 60–63, 66, 68, 76, 81, 100, 101, 120, 139, 152, 153, 155, 162, 174, 175, 179, 182, 186, 189, 193, 199, 201–213, 221, 222, 228 n18, 229 n25, 230 n7, 232 n10, 247 n31, 249–250 n45, 251 n51, 252 n56, 257 nn82 and 83, 259 n97, 261 n106, 262 n118, 264 nn123 and 124, 265 n130
revolution, xiv, 27, 33, 34, 49, 53, 54, 56, 87, 105, 106, 155, 158, 179, 182, 203, 207, 243 n9, 247 n32, 261 n106
Rey, Marc-Michel, 132, 240 n41, 241 n42, 244 n12, 249 n49, 267 n142

Rhodes, 116, 163, 253 n65
Rienzi, 110
right of nature, 12, 92, 123. *See also* natural right
Riley, Patrick, 228 n16, 236 n10
Robespierre, Maximilien, 226 n8
Robinson (Robinson Crusoe), 133
Roman Catholicism, 118, 125, 219, 224, 241 nn42 and 2, 266 n136, 267 n143
Rome, Romans, xiii, xxii–xxiv, 5, 6, 9, 14, 25, 26, 31, 33, 34, 36, 42, 43, 45, 57, 59–64, 75, 81, 101, 102, 105, 110, 114, 116, 118, 120, 130, 136, 152, 155, 156, 158, 163, 172, 177, 186, 188–190, 192, 199, 203–215, 216, 217, 221–223, 230 nn6–9, 11, and 12, 231 nn19 and 21, 239 nn27 and 28, 240 n37, 241 n3, 250 nn45 and 46, 252 n56, 253 nn61 and 64, 259 n98, 261–262 n109, 263 nn120 and 121, 263–264 n123, 264 n124, 125, and 127
Romulus, 69, 186, 203, 206, 208, 263 n121
Rousseau, Judge of Jean-Jacques: Dialogues, 225 n1, 230 n22, 241 n3
Russia, Russians, 158, 218

Sabines, 203–205
St. Pierre, abbe de, 203, 261 n106, 262–263 n119
Sallust, 257 n82
Samos, 215, 264 n129
Samuel, 177
Saturn, 133, 216
savages, 40, 92, 174, 182, 234 n6, 253 n65
Schumacher, E. F., 260 n104
science, xi, xii, xiv, xxi, xxii, xxv, 6, 16, 21, 88, 100, 179, 227 n12, 234 n2, 239 n25, 254 n66, 256 n80, 259 n96
Scythians, 75, 86, 193
Semiramis, 68
Seneca, 40
Servius, 148, 204–208, 250 n46
Shklar, Judith, 227 n13, 247 n31, 258 n89
Sicily, 183
Sigonius, 263 n122
Sisyphus, 36
slavery, xii–xv, xix, xxiv, 12, 50, 81, 90, 93, 95, 129, 132–137, 142, 193, 204, 226 n5, 244 nn14 and 15
Socrates, 2, 10, 14, 15, 40, 231 nn21 and 25, 244 n11
Solon, 34, 148, 230 n13
soul, 1–3, 7–12, 16, 21, 35, 39, 40, 60, 65, 69, 72, 74, 78, 79, 82, 85, 88, 89, 99, 104, 141, 157, 166, 189, 222, 231 n21, 244 n15
South America, 92, 143
sovereign, sovereignty, xvii, xviii, xxii, xxv, 12, 13, 23–29, 47, 61, 83–88, 95–97, 101, 103, 108, 112, 114, 121, 124, 125, 129–132, 139–151, 153, 155, 164, 166–174, 180, 184, 186–200, 202, 207, 211, 213, 216, 218, 222, 223, 228 n18, 229 n25, 240 n40, 246 nn26 and 28, 247 nn30 and 32, 250 n27, 251 n50, 254 n68, 255 nn71, 72, 74, and 75, 256 n79, 257 n83, 258 n90, 259 n95, 260 n101, 261 n105
Spain, Spaniards, 5, 86, 143, 183, 230 n9
Sparta, Spartans, xiii, xxiii, 5, 25–27, 30, 34–36, 42, 59–68, 105, 110, 116, 120, 124, 154, 158, 163, 172, 176, 188, 193, 210–212, 215, 221, 230 n13, 233 n30, 250 n46, 253 n65, 265 n125
Spirit of the Laws, 26, 116, 163
state of nature, xiii, xiv, xvi, 17–21, 77, 81, 85, 97, 111, 114, 129, 135, 138, 139, 141, 142, 150, 152, 234 n4, 235 n8, 243 n9, 246 n24
state of war, xvi, 50, 81, 93, 124, 135, 137, 220, 235 n8, 243 n8, 245 n19, 246 n24, 265 n134
Statesman, 91, 100, 154, 229 n20, 252 n54, 258 n89
Stelling-Michaud, Sven, 253 n62
Strauss, Leo, 260 n100
Stuart, Charles, 230 n16
Sulla, 14, 69, 187, 213
Switzerland, Swiss, 105, 158, 190, 262 n111
Syracuse, 2, 230 n4
Syria, 217, 230 n11
system, xi, xii, xv, xx, xxvi, 19, 34, 41, 47, 78, 86, 98, 99, 115, 116, 129, 135, 144, 154, 162, 168, 217, 218, 219, 228 n14, 260 n104

Tacitus, 179, 200, 258 n88, 259 nn94–96, 262 n113
talent, 2, 7, 15, 45, 49, 50, 56, 63, 64, 69, 101, 107, 108, 159, 178, 202
Talmon, J. L., 248 n37
Tamerlane, 4, 230 n8
Tarantum, 119, 217
Tarquins, 105, 158, 186, 208, 252 n56
Tartars, 158
Tartuffe, 27, 232 nn13 and 14
taste, 2, 9, 46, 54, 62, 63, 72, 206
Taylor, Lucy Ross, 264 n123
That Animals Reason, 133
Theano, 31
Thebes, 230 n5
Theodora, 30
Thermopylae, 69
Theseus, 63, 81
Thlascala, 162
Thrasybulus, 2, 230 n3
Tiberius, 187
Tisamenes, 66
Totila, 4, 230 n8
Treatise on the Interests of France in Relation to Her Neighbors, 132
Trebonian, 30

Tronchin, J. L., 261 n108
Turkey, Turks, 44
tyranny, tyrant, xv, xvii, xxii, xxvi, 2, 5, 8, 10, 12, 15, 22, 27, 46, 50, 60, 61, 67, 91, 93–95, 101, 105, 108, 109, 120, 132, 155, 158, 161, 163, 185, 187, 209, 211, 221, 252 n56, 256 n79, 257 n84, 258 n87, 260 n100
Tyre, 116, 163

Ulysses, 133, 244 n15, 245 n21
Usteri, Léonard, 266 n137

Valois, de (Henry III), 5, 230 n12
vanity, 5, 17, 46, 54, 174, 220
Varro, 205, 263 n122
Vaughan, C. E., 225, 226 n5, 227 nn13 and 14, 228 n19, 232 n2, 240 nn39 and 41, 243 n8, 250 n46, 253 nn63 and 64, 256 n79, 257 nn81 and 84, 258 n86, 261 n106, 263 nn120 and 122
Venice, xi, 166, 175, 186, 187, 201, 202, 210–212, 229 n25, 242 n4, 254 n70, 259 n97, 262 n118, 264 n125
vice, xxv, 1, 3, 7–10, 14, 16, 20, 30, 35, 37, 38, 39, 46, 49, 56, 62, 65, 71–73, 78, 81, 105–107, 157, 159, 186, 189, 198, 207, 220, 231 n21, 247 n31
Virgil, 241 n3
virtue, xii, xxv, 1–11, 14–16, 18, 20, 22, 27, 28, 30, 35–40, 46, 56, 57, 59, 60, 63–65, 67, 69, 71, 72, 77–80, 91, 100, 104, 107, 113, 115–117, 119, 139, 159, 162, 163, 174, 176, 179, 186, 211, 230 n16, 231 nn21 and 23, 244 n15, 247 n31, 256 n80, 262 n111
Vitellius, 200
Voltaire, 243 n10, 252 nn55, 58, and 60, 262 n118, 266 n140

war, 4, 6, 59, 62, 64, 81, 93, 109, 110, 116, 118, 120–122, 124, 125, 133–137, 146, 151, 160, 161, 163, 205, 216, 221, 222, 253 nn61 and 65
Warburton, William, 104, 157, 219, 252 n59
Watkins, Frederick, 225, 226 n6, 250 n46
wealth, 36, 50, 63, 72, 90, 115, 116, 162, 174, 176, 206–208, 257 n82, 263 n123
William of Orange, 147
wise man, the wise, 1–3, 6, 8, 10, 14, 34, 64, 79, 103, 156, 162, 235 n8
Wokler, Robert, 227 n13, 236 n8, 240 n35, 247 n32

Xenophon, 188, 260 n100

Zeus, 216
Zion, 34

UNIVERSITY PRESS OF NEW ENGLAND publishes books under its own imprint and is the publisher for Brandeis University Press, Brown University Press, University of Connecticut, Dartmouth College, Middlebury College Press, University of New Hampshire, University of Rhode Island, Tufts University, University of Vermont, Wesleyan University Press, and Salzburg Seminar.

Library of Congress Cataloging-in-Publication Data
Rousseau, Jean-Jacques, 1712–1778.
[Selections. English. 1994]
Social contract ; Discourse on the virtue most necessary for a hero ; Political fragments ; and, Geneva manuscript / Jean-Jacques Rousseau ; edited by Roger D. Masters and Christopher Kelly ; translated by Judith R. Bush, Roger D. Masters, and Christopher Kelly.
p. cm. — (The Collected writings of Rousseau ; vol. 4)
Includes bibliographical references and index.
ISBN 0–87451–646–3
1. Political science—Early works to 1800. 2. General will. 3. Social contract. I. Masters, Roger D. II. Kelly, Christopher, 1950– . III. Bush, Judith R. IV. Title. V. Series: Rousseau, Jean-Jacques, 1712–1778. Works. English. 1990 ; vol. 4.
PQ2034.A3 1990 vol. 4
[JC179.R7 1994]
848′.509 s—dc20
[848′.509] 94–4496
♾

Roger D. Masters, Professor of Government at Dartmouth College, is the author of *Beyond Relativism: Science and Human Values* (1993) and *The Nature of Politics* (1989), and coedited *The Sense of Justice* (1991) and *Primate Politics* (1990).

Christopher Kelly is Associate Professor of Political Science at the University of Maryland–Baltimore County and author of *Rousseau's Exemplary Life* (1987).

Judith R. Bush translated *On the Social Contract* (1978) and *Rousseau's First and Second Discourses* (1964).

The series is "indispensable to Rousseau scholars and students of political theory. Now that we have it, we realize we cannot do without it. Its scholarship is a model, a monument, and a treasury."

—HARVEY MANSFIELD, JR., *Harvard University*

TULSA CITY-COUNTY LIBRARY
848.509 R76w 1990 v. 4 rsac
al contract ; Discourse
eau, Jean-Jacques 00218843889

"Kelly and Masters ar cholars in the world today, and it comes as volume of their masterful English edition again deeply in their debt."

University of Toronto

"A major addition to Rousseau scholars —*Library Journal*

The Collected Writings of ROUSSEAU

Available

Volume 1 — Rousseau, Judge of Jean-Jacques: Dialogues
Volume 2 — Discourse on the Sciences and Arts (First Discourse) and Polemics
Volume 3 — Discourse on the Origin of Inequality (Second Discourse), Polemics, and Political Economy

Next in the Series

Volume 5 — Confessions (new translation by Christopher Kelly)

Forthcoming Volumes Will Include

Julie, ou la Nouvelle Héloïse, Essay on the Origin of Languages, Letters Written from the Mountain, Letter to Beaumont, Rêveries, Emile, and Letter to d'Alembert

Dartmouth College
Published by University Press of New England
Hanover and London

ISBN 0–87451–646–3
9 780874 516463 90000